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DOCTOR OF PHILOSOPHY

'Now of little significancy'? The Convention of the Royal Burghs of Scotland, 1651-1688

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John Toller

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‘Now of little significancy’?

**The Convention of the Royal Burghs of
Scotland, 1651-1688**

John Matthew Toller

Submitted for the Degree of Doctor of Philosophy

University of Dundee

March 2010

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Psalm 115:1

UNIVERSITY OF DUNDEE**HISTORY****DECLARATION**

I hereby declare that I,, am the author of this thesis; that, unless otherwise stated, all references cited have been consulted by me; that the work of which the thesis is a record has been done by me; and that this thesis has not, in whole or part, been previously accepted for a higher degree.

Signed:

Date:.....

CERTIFICATE

This is to certify that has done this research under my supervision and that he has fulfilled the conditions of the relevant ordinances for the University of Dundee so that he is qualified to submit for the Degree of Doctor of Philosophy.

Signed:

Date:.....

Abstract

Historiographical understanding of the Convention of the Royal Burghs of Scotland in the late seventeenth century has advanced little since a spate of interest in the institution in the early twentieth century. This is despite the development of research in other, related areas of Scottish history in the same period. This thesis helps to resolve this problem in demonstrating the importance of the convention in the period 1651-1688 in two main areas whilst having much wider significance for understanding later seventeenth-century Scotland.

Firstly, it shows that the royal burghs were committed to cooperative action. Although the crown was increasingly assuming responsibilities previously held by the convention, the burghs continued to see the importance of membership and participation in it, despite its inability to respond decisively to their increasing economic difficulties, a situation on which this thesis sheds much light. Their collective stance protected their relative independence, despite losing some of their privileges to an aggressively acquisitive landowning class. The burghs carefully used and regulated Edinburgh's dominant position within the convention to ensure that they could be as effective as possible in these areas without allowing Edinburgh to always have its own way.

Secondly, the thesis demonstrates that the convention played an important part in national politics despite an apparent decline in influence. Under the English occupation in the 1650s it was one of the very few national institutions to survive and it was successful in lobbying for the burghs' interests and also as a consultative body for the regime. It continued to play an important role in national politics after the Restoration, enabling the burghs to present a single voice in parliament and before the king and his privy council, officers of state and commissioner. Although it was not always successful, it was even willing to take a stance in direct opposition to the crown, and its influence is demonstrated as increasing crown intervention in burgh affairs, often taken as a sign of royal absolutism, was accompanied with concessions aimed at ensuring urban support for royal policy.

Abbreviations & Conventions

The following abbreviations have been used in footnotes:

AA	Angus Archives, Restenneth, Forfar.
AAC	Ayrshire Archives Centre, Ayr.
ACA	Aberdeen City Archives.
<i>ACL</i>	L. B. Taylor (ed.), <i>Aberdeen Council Letters</i> , 6 vols. (London, 1942-61).
<i>APS</i>	<i>The Acts of the Parliaments of Scotland</i> , vol. vi. part ii, 1648-1660, ed. C. Innes (Edinburgh, 1872).
ASA	Aberdeenshire Archives, Aberdeen.
DAC	Dumfries Archive Centre.
DCA	Dundee City Archives and Records Centre.
Dow, <i>Cromwellian Scotland</i>	F. Dow, <i>Cromwellian Scotland 1651-1660</i> (Edinburgh, 1979).
ECA	Edinburgh City Archives.

Edin. Recs.

Extracts from the Records of the Burgh of Edinburgh, ed. M. Wood & H. Armet, 5 vols. [1642-55, 1655-65, 1665-80, 1681-89, 1689-1701] (Edinburgh, 1938-1962).

FCA

Fife Council Archives Centre, Markinch.

GCA

Glasgow City Archives.

Glas. Recs.

Extracts from the Records of the Burgh of Glasgow, ed. J. D. Marwick, 2 vols. [1630-62, 1663-90] (Glasgow, 1881-1905).

HCA

Highland Council Archives, Inverness.

MacDonald, *Burghs*

A. R. MacDonald, *The Burghs and Parliament in Scotland, c.1550-1651* (Aldershot, 2007).

MacIntosh, *Parliament*

G. H. MacIntosh, *The Scottish Parliament under Charles II, 1660-1685* (Edinburgh, 2007).

Mackenzie, *Memoirs*

G. Mackenzie of Rosehaugh, *Memoirs of the Affairs of Scotland from the Restoration of King Charles II A.D. M.DC.LX.* (Edinburgh, 1821).

NAS	National Archives of Scotland, Edinburgh.
NLS	National Library of Scotland, Edinburgh.
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i> , Oxford University Press, 2004.
<i>Pagan, Convention</i>	T. Pagan, <i>The Convention of the Royal Burghs of Scotland</i> (Glasgow, 1926).
PKA	Perth and Kinross Council Archives, Perth.
<i>RCRBS</i>	<i>Records of the Convention of Royal Burghs of the Royal Burghs of Scotland</i> , ed. J. D. Marwick, vols. iii-iv (Edinburgh, 1878-80).
<i>RPC</i>	<i>Register of the Privy Council of Scotland</i> , ed. P. Hume Brown et al, Third Series, vols. i-xiii (Edinburgh, 1908-30).
<i>RPS</i>	<i>Records of the Parliaments of Scotland to 1707</i> , ed. K. M. Brown et al (St Andrews, 2007-09).
SAUL	St Andrews University Library.
SCA	Stirling Council Archives.

*SHR**Scottish Historical Review.*Smout, *Scottish Trade*T. C. Smout, *Scottish Trade on the Eve of Union 1660-1707* (Edinburgh, 1963).*Stir. Recs.**Extracts from the Records of the Burgh of Stirling*, ed. R. Renwick, 2 vols. (Glasgow, 1887-89).

WDA

West Dunbartonshire Archive, Dumbarton.

Conventions

All money is expressed in £ scots, unless otherwise stated. Merks were commonly used in accounting, and £ sterling were also used. The ratios of these to £ scots were 3:2 and 1:12 respectively. Where these are used, equivalent sums in £ scots are provided.

Introduction

In 1685, Alexander Skene of Newtyle, a former merchant and bailie of Aberdeen, published his *Memorialls for the Government of the Royall Burghs in Scotland*. He addressed the 1672 act of parliament which had transmitted many of the trading privileges of the royal burghs to burghs of regality and barony and wrote: ‘Let the *Burrowes* consider that the *Convention of Burrowes* ... [is] now of little significancy by this late *Act*’.¹ Similar attitudes have coloured the historiography of the convention of royal burghs in the period since the occupation of Scotland by English forces in 1651.

In the late nineteenth and early twentieth centuries there was a spate of interest in the convention. Between 1866 and 1918 the convention itself published its records from its beginnings to the late eighteenth century. Nationalists in the late nineteenth century seem to have viewed the convention as the last bastion of Scottish independence, a truly Scottish institution surviving the Union, for which ‘it becomes the duty of all loyal and patriotic Scotsmen to maintain ... in its entirety and usefulness’.² When the historiography of the Convention is studied, the name Theodora Pagan (*née* Keith) is unavoidable, and a great debt is owed to her for presenting the first in-depth works on the origins and role of the Convention. Although John Mackay had presented some work on these areas previously, Pagan’s work is more coherent, detailed and analytical and less obviously coloured by a political agenda.³ Three years before Pagan’s main

¹ Anon., *Memorialls for the Government of the Royall Burghs in Scotland* ... (Aberdeen, 1685), 107. For details on Skene and the authorship of this work, see G. DesBrisay, ‘Skene, Alexander, of Newtyle (1621?–1694)’, *ODNB* [<http://www.oxforddnb.com/view/article/69912>, accessed 25 Aug 2009].

² J. Mackay, *The Convention of Royal Burghs of Scotland* (Edinburgh, 1884), 88.

³ Pagan, *Convention*; T. Keith, ‘The influence of the Convention of Royal Burghs of Scotland on the economic development of Scotland before 1707’, *SHR*, x (1913), 250-71; ‘The Origin of the Convention of Royal Burghs of Scotland, with a note on the connection of the Chamberlain with the Burghs’, *SHR*, x (1913), 384-402; ‘The Trading Privileges of the Royal Burghs of Scotland’, *The English Historical*

work, J. D. Mackie and G. S. Pryde produced a study into the relationship between the membership of the convention and parliament.⁴

Other than the last mentioned, these works focus overwhelmingly on the convention's role as a regulative body, particularly focusing on trade, though Pagan also discusses the internal politics of the burghs. Even though Mackay was challenging those who, in light of changes in the political and social situation of the time, 'call into question the utility of the Convention at the present day, these changes, in their opinion, rendering its continuance as a representative institution unnecessary', he fails throughout the book to comment on the significance of the convention.⁵ Pagan does so more effectively, though there is little discussion of the convention's role on the national political front: in the conclusion she dismissively states that 'politically ... the convention was of little account'.⁶ Even Mackie and Pryde, while discussing the convention's role in coordinating the burghal estate in parliament, fail to discuss the implications of this, while in the period covered by this study, they allege that the convention was losing even this role. Thus the overwhelming view of the convention is of a body that had little influence beyond its administrative role and which was concerned mainly with matters of trade, a view continued with W. M. Mackenzie's 1949 book on the Scottish burghs.⁷

This may be partly due to the traditional views of the Scottish parliament, which has been rather undervalued until relatively recently. The two main studies prior to the last

Review, 28 (1913), 454-471/678-690. For other works by the same author which touch heavily on the role of the convention, see: 'Scottish Trade with the Plantations before 1707', *SHR*, vi (1909), 32-48; *Commercial Relations of England and Scotland 1603-1707* (Cambridge, 1910); 'Municipal elections in the Royal Burghs of Scotland: I: Prior to the Union', *SHR*, xiii (1916), 111-25.

⁴ J. D. Mackie & G. S. Pryde, *The Estate of the Burgesses in the Scots Parliament and its relation to the Convention of Royal Burghs* (St Andrews, 1923).

⁵ Mackay, *The Convention of Royal Burghs*, vii.

⁶ Pagan, *Convention*, 262.

⁷ W. M. MacKenzie, *The Scottish Burghs* (Edinburgh, 1949).

two decades were by C. S. Terry and R. S. Rait, published in 1905 and 1924 respectively, which had a limited view of parliament as merely there to rubber-stamp royal wishes, particularly in granting taxes.⁸ Recent scholarship generally has a rather more positive view of the Scottish parliament as an important and, relative to earlier perceptions, powerful body. As early as 1965 Gordon Donaldson acknowledged that parliament was ‘not now confined to acceptance of the report of the committee of articles *en bloc*, and for the first time something like a regular opposition began to use parliament as a debating ground from which to challenge the king’s ministers’.⁹ Other general histories, such as those by Rosalind Mitchison and Keith Brown, express similarly positive, and similarly muted, views of parliament’s effectiveness, suggesting that crown management proves its own necessity, especially regarding a nobility whose interests could not be successfully attacked by the crown.¹⁰

There is a general acceptance that, particularly during Lauderdale’s period in office, Scotland was ruled more absolutely than England or Ireland, and a British history published in 2007 clings to the drastically outdated view that ‘the Scottish estates proved a rubber stamp for most of Charles’s reign’.¹¹ Thankfully this is now rare, and Raymond Paterson’s study of Lauderdale indirectly adds weight to the argument in favour of parliament as he states that government absolutism even under his subject is

⁸ C. S. Terry, *The Scottish Parliament, Its Constitution and Procedure 1603-1707* (Glasgow, 1905); R. S. Rait, *The Parliaments of Scotland* (Glasgow, 1924).

⁹ G. Donaldson, *Scotland: James V-James VII* (Edinburgh, 1965), 359.

¹⁰ K. M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (Basingstoke, 1992), 13-20; R. Mitchison, *Lordship to Patronage, Scotland 1603-1745* (Edinburgh, 1983), 71.

¹¹ G. S. De Kray, *Restoration and Revolution in Britain: A Political History of the Era of Charles II and the Glorious Revolution* (Basingstoke, 2007), 54-5, 198. T. Harris, *Restoration, Charles II and his Kingdoms* (London, 2005), 419-21, acknowledges more of a role for parliament, but this is limited (to a lesser extent than by De Kray) in other works such as: M. Goldie, ‘Divergence and Union: Scotland and England, 1660-1707’, in B. Bradshaw & J. Morrill (eds.), *The British Problem, c.1534-1707: State Formation in the Atlantic Archipelago* (Basingstoke, 1996), 224-7; D. Patrick, ‘Restoration to Revolution: 1660-1690’, in B. Harris & A. R. MacDonald (eds.), *Scotland: The Making and Unmaking of the Nation c.1100-1707 – Volume 2, Early Modern Scotland: c.1500-1707* (Dundee, 2007), 59.

‘about as far from historical truth as it is possible to get’.¹² Keith Brown and Alastair Mann have shown how it is Lauderdale’s own judgement (and that of other royal servants) of the extent of crown absolutism which has caused parliament to be viewed so negatively. It seems remarkable that such evidently unreliable commentators, who were probably basing their views on the king’s prerogative rather than the outworked reality, have been relied on so heavily.¹³ It is fortunate that specific studies on parliament, such as those in Brown and Mann’s collection, and notably Gillian MacIntosh’s work on parliament under Charles II, have been far more sympathetic, while of course acknowledging the strict limitations of parliamentary power.¹⁴

Yet while parliament has benefited from this work, which has revised traditional perceptions to varying degrees, the convention has not seen a similar revision of its role. Burghal representation is often discussed, but the convention is often either written off as a largely unimportant body or, worse, is barely mentioned at all.¹⁵ The strongest exception to this is Alan MacDonald, whose study of the burghs and parliament to 1651 suggests that the burghs were a more significant and influential estate than is often presented.¹⁶ General studies on the seventeenth-century also tend to have little mention of the convention.¹⁷ MacDonald has gone some way to filling that gap before 1651, but for the later part of the century little work on it has been done.

¹² R. C. Paterson, *King Lauderdale, The Corruption of Power* (Edinburgh, 2003), 255-6, 258.

¹³ K. M. Brown & A. J. Mann, ‘Introduction: Parliament in Politics in Scotland, 1567-1707’, in K. M. Brown & A. J. Mann (eds.), *The History of the Scottish Parliament Volume 2, Parliament and Politics in Scotland 1567-1707*, (Edinburgh, 2005), 5-9; Paterson, *King Lauderdale*, 257.

¹⁴ MacIntosh, *Parliament*; Brown & Mann, *The History of the Scottish Parliament*; R. Lee, ‘Government & Politics in Scotland, 1661-81’, Glasgow Ph.D. (1998).

¹⁵ Other than works already cited, see for example: J. R. Young, *The Scottish Parliament 1639-1661, A Political and Constitutional Analysis* (Edinburgh, 1996); J. Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999); J. Goodare, *The Government of Scotland 1560-1625* (Oxford, 2004); J. Goodare, ‘The Estates in the Scottish Parliament, 1286-1707’, in C. Jones (ed.), *The Scots and Parliament* (Edinburgh 1996), 11-32.

¹⁶ MacDonald, *Burghs*.

¹⁷ See for example: Brown, *Kingdom or Province?*; Donaldson, *James V-James VII*; W. Ferguson, *Scotland’s Relations with England, A Survey to 1707* (Edinburgh, 1977); Mitchison, *Lordship to Patronage*.

Some work has been done on resolving the general lack of Scottish historiography for the period, a problem David Stevenson identified in 1991. Economic history is dominated by T. C. Smout's *Scottish Trade on the Eve of Union*, and here at least the convention's economic role is considered.¹⁸ Since Frances Dow's 1979 book on *Cromwellian Scotland*, most work on the Interregnum has been 'British' history with little attention paid to Scotland. The convention has little place in it, despite being the only Scottish national institution, other than the courts, to survive the decade; this is a particularly odd omission in Susan Gillanders' thesis, where the convention is only quite cursorily dealt with, given that it is a study of the burghs.¹⁹ Aside from the many works on religious history, the political history of Restoration Scotland has received more attention recently, but again the convention does not play much of a role at all in this historiography.²⁰

British histories of the period give some of the clearest indications of the underlying assumptions which have probably helped to keep the convention out of Scottish history. Though those covering the Interregnum are better in this regard, few of these histories make an attempt at a joined-up assessment of British history, even where links between English and Scottish situations are clearly evident. Stevenson's desire

¹⁸ D. Stevenson, 'Twilight before night or darkness before dawn? Interpreting seventeenth-century Scotland', in R. Mitchison (ed.), *Why Scottish History Matters* (Edinburgh, 1991), 37-47; Smout, *Scottish Trade*. Other economic studies covering the period have little on the convention, for example: B. Lenman, *An Economic History of Modern Scotland 1660-1976* (London, 1977); G. Marshall, *Presbyteries and Profits: Calvinism and the Development of Capitalism in Scotland, 1560-1707* (Edinburgh, 1980); I. D. Whyte, *Scotland before the Industrial Revolution, An Economic and Social History c.1050-c.1750* (London, 1995); I. D. Whyte, *Scotland's Society and Economy in Transition, c.1500-c.1760* (Basingstoke, 1997). The historiography of the economy of the period is more fully discussed in chapter 3.

¹⁹ Dow, *Cromwellian Scotland*; S. Gillanders, 'The Scottish burghs during the Cromwellian occupation, 1651-60', Edinburgh Ph.D. (1999). For histories covering the Interregnum see for example: M. Bennett, *The Civil Wars Experienced: Britain & Ireland 1638-1661* (London, 2000); A. I. Macinnes, *The British Revolution, 1629-1660* (Basingstoke, 2005); L. M. Smith, 'Scotland and Cromwell: A Study in Early Modern Government', Oxford Ph.D. (1980); R. S. Spurlock, *Cromwell and Scotland: Conquest and Religion 1650-1660* (Edinburgh, 2007).

²⁰ MacIntosh, *Parliament*; C. Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas* (Woodbridge, 2003); Lee, 'Government & Politics'; Paterson, *King Lauderdale*.

that a deeper understanding of Scotland in the seventeenth century would result in a full British history, one which was no longer ‘English history, with some mention of the tiresome Scots, Irish and Welsh when they are making a nuisance of themselves’, remains unfulfilled.²¹ As has been seen, most of the British histories reflect a traditional view which saw Scotland as ruled more absolutely than England. If this was the case, then the influence of the convention would be very limited and so it could be more readily disregarded. The same applies to the 1650s, as the more complete the control exercised by the English regime, the less influence the convention could wield. Yet, as we have seen, recent Scottish work has challenged the extent of absolute rule, and so the convention’s role needs to be reassessed in light of this.

In terms of early modern urban history, much of the work on Europe, whether general studies or examinations of particular towns, states or regions, uses a very similar approach. This seems to correspond, to a lesser or greater extent, with the model presented by Max Weber in his work on urban theory, *The City*. The approach focuses on the city as an individual entity and how it functions as such, though it is also quite comprehensive, covering the social, political and economic aspects of the city as entity. Even in looking outside the city this approach dominates as it extends only to looking at relationships with a city’s direct hinterland. The issue of urbanisation also features heavily. This model is evident in much of the urban history of Europe, both in what is included and in what is omitted, namely a study of inter-urban relationships.²²

²¹ Stevenson, ‘Twilight before night or darkness before dawn?’, 47. The problem is particularly noticeable in the latest British history of the period: De Kray, *Restoration and Revolution*. See also Bradshaw & Morrill, *The British Problem*; S. G. Ellis & S. Barber (eds.), *Conquest and Union: Fashioning a British State, 1485-1725* (London, 1995); L. K. J. Glassey (ed.), *The Reigns of Charles II and James VII & II* (Basingstoke, 1997); R. Hutton, *Charles the Second, King of England, Scotland and Ireland* (Oxford, 1989). Tim Harris’ books are unusual in their attempts to link at least some aspects of the history of Scotland and England at the time: *Restoration, Charles II and his Kingdoms* (London, 2005); *Revolution, The Great Crisis of the British Monarchy, 1685-1720* (London, 2006).

²² M. Weber, *The City*, ed. D. Martindale & G. Neuwirth (London, 1960). For examples of this dominant approach see: P. Clark (ed.), *The Early Modern Town: A Reader* (London, 1976); P. Clark (ed.), *Small*

Thus it is not surprising that few works mention the convention at all. It was unique, with no equivalent body anywhere else in Europe, and cannot be taken to be representative of European experience, which may have contributed to its omission.

A more substantial body of work exists for the study of relationships between urban entities and the state, and from this more comparative material can be drawn in a study of the convention. This is one area where the Weberian framework has been expanded.²³ Studies on political representation more generally also often include some consideration of urban representation, while there has also been some specific work on towns and government in particular states.²⁴ Occasionally inter-urban relationships are mentioned within these studies, and even the convention receives some attention from Christopher Friedrichs, though it is a limited consideration relating mainly to opposition to state taxation, and the convention is not ascribed any particular significance.²⁵ Of particular interest here is the work on England in the period covered by this study. Although much has been written within the standard urban historiographical framework, there is also much of value regarding relationships

Towns in Early Modern Europe (Cambridge, 1995); A. Cowan, *Urban Europe 1500-1700* (London, 1998); J. de Vries, *European Urbanization, 1500-1800* (London, 1984); C. R. Friedrichs, *Urban Politics in Early Modern Europe* (London, 2000); A. Maczak & C. Smout (eds.), *Gründung und Bedeuten kleinerer Städte im nördlichen Europa der frühen Neuzeit* (Wiesbaden, 1991); D. Nicholas, *Urban Europe, 1100-1700* (Basingstoke, 2003).

²³ See for example: Friedrichs, *Urban Politics*; R. Mackenney, *The City-State, 1500-1700: Republican Liberty in an Age of Princely Power* (New Jersey, 1989); C. Tilly & W. Blockmans (eds.), *Cities and the Rise of States in Europe, A.D. 1000-1800* (Oxford, 1994).

²⁴ N. Ball, 'Representation in the English House of Commons: the new boroughs, 1485-1640', *Parliaments, Estates and Representation*, 15 (1995), 117-24; P. Benedict, 'French cities from the sixteenth century to the Revolution: An overview', in P. Benedict (ed.), *Cities and Social Change in Early Modern France* (London, 1989); M. A. R. Graves, *The Parliaments of Early Modern Europe* (Harlow, 2001); A. R. Myers, *Parliaments and Estates in Europe to 1789* (London, 1975); P. Sanz, 'The Cities in the Aragonese Cortes in the Medieval and Early Modern Periods', *Parliaments, Estates and Representation*, 14 (1994), 95-108; I. A. A. Thompson, 'Cortes, cities and *procuradores* in Castile', in I. A. A. Thompson, *Crown and Cortes: Government, Institutions and Representation in Early-Modern Castile* (Aldershot, 1993), 1-72; R. Tittler, 'Elizabethan Towns and the 'Points of Contact': Parliament', *Parliamentary History*, 8 (1989), 275-88.

²⁵ C. R. Friedrichs, *The Early Modern City 1450-1750* (London, 1995), 55.

between the town and the state, providing an as yet under-employed comparative framework for what was happening in Scottish towns under the same rulers.²⁶

The convention has also been given short shrift in Scottish urban history for the period, other than that from the 1920s discussed above. William MacKenzie wrote a survey of the Scottish burghs in 1949, which discussed the convention's role in trade and regulation, and the erosion of the royal burghs' privileges in the Restoration period. Yet it did not develop the discussion of the burghs' role in national politics beyond suggesting that the creation of new burghs in the medieval period was in part a 'political device'.²⁷

More recent work has tended to follow the patterns of other European urban history. Iain Whyte has contributed much to the understanding of urbanisation in early modern Scotland, particularly regarding the spread of burghs of barony and market centres.²⁸ Issues of society and economy have been examined along with the relationships between burghs and their hinterlands, particularly local landowners, but largely within

²⁶ J. Barry, 'Introduction', and R. Howell, 'Newcastle and the nation: The seventeenth-century experience', in J. Barry (ed.), *The Tudor and Stuart Town: A Reader in English Urban History 1530-1688* (London, 1990), 1-34 & 274-96; P. Clark & P. Slack (eds.), *Crisis and Order in English Towns, 1500-1700* (London, 1972); P. Clark & P. Slack, *English Towns in Transition 1500-1700* (Oxford, 1976); G. C. F. Forster, 'Government in provincial England under the later Stewarts', *Transactions of the Royal Historical Society*, 33 (1983), 29-48; R. Sweet, *The English Town, 1680-1840* (Harlow, 1999). For more general English (and Irish) urban historiography see for example: R. A. Butlin, 'Irish towns in the sixteenth and seventeenth centuries', in R. A. Butlin (ed.), *The Development of the Irish Town* (London, 1977), 61-100; P. Clark (ed.), *The Cambridge Urban History of Britain Volume 2 1540-1840* (Cambridge, 2000); A. Dyer, 'Growth and Decay in English Towns 1500-1700', *Urban History Yearbook* (1979), 60-71; N. Goose, 'English pre-industrial urban economies', *Urban History Yearbook* (1982), 24-30; S. M. Jack, *Towns in Tudor and Stuart Britain* (Basingstoke, 1996).

²⁷ W. M. MacKenzie, *The Scottish Burghs* (Edinburgh, 1949), 49.

²⁸ I. D. Whyte, 'The growth of periodic market centres in Scotland 1600-1707', *Scottish Geographical Magazine*, 95 (1979), 13-26; 'Urbanization in early-modern Scotland: a preliminary analysis', *Scottish Economic and Social History*, 9 (1989), 21-37; 'The function and social structure of Scottish burghs of barony in the seventeenth and eighteenth centuries', in Maczak & Smout, *Gründung und Bedeuten kleinerer Städte*, 11-30; *Scotland before the Industrial Revolution, An Economic and Social History c.1050-c.1750* (London, 1995); *Scotland's Society and Economy in Transition, c.1500-c.1760* (Basingstoke, 1997).

the usual framework of burghs as individual entities.²⁹ Unsurprisingly this applies to work on individual burghs as well as more general studies, and though a number of good studies of particular burghs exist they have little engagement with wider issues relating to inter-burghal relationships or national politics.³⁰ Michael Lynch has encouraged the discussion of these issues more than most, with the collection *The Early Modern Town in Scotland* covering many of the same issues as other works but also focusing on relationships between the burghs and the crown, a topic he also discusses elsewhere.³¹ He also provides, within a study of urbanisation and urban networks, a strong statement of the value of the convention as a political entity. Yet his description of the convention as presenting ‘the most co-ordinated’ political voice and being a ‘highly organised and coherent urban political lobby’ has not as yet been further explored, at least for the period after 1651, and so this aspect of its work remains poorly understood.³²

This study attempts to redress the balance, bringing the convention into the history of the Interregnum and Restoration in Scotland. It is essentially in two parts, the first

²⁹ See for example: E. P. Dennison, ‘Urban Society and Economy’ in Harris & MacDonald, *Scotland*, 145-65; T. M. Devine, ‘The Cromwellian Union and the Scottish Burghs: The Case of Aberdeen and Glasgow, 1652-60’, in J. Butt & J. T. Ward (eds.), *Scottish Themes: Essays in honour of Professor S. G. E. Lythe* (Edinburgh, 1976), 1-16; T. M. Devine, ‘The merchant class of the larger Scottish towns in the seventeenth and early eighteenth centuries’, in G. Gordon & B. Dicks (eds.), *Scottish Urban History* (Aberdeen, 1983), 92-111; T. Devine, ‘Scotland’, in P. Clark (ed.), *The Cambridge Urban History of Britain Volume II 1540-1840* (Cambridge, 2000), 151-64; M. Lynch, ‘The Scottish early modern burgh’, in J. Wormald (ed.), *Scotland Revisited* (London, 1991), 73-81.

³⁰ See for example: E. P. Dennison, D. Ditchburn & M. Lynch (eds.), *Aberdeen Before 1800: A New History* (East Linton, 2002); T. M. Devine & G. Jackson (eds.), *Glasgow, Volume I: Beginnings to 1830* (Manchester, 1995); H. M. Dingwall, *Late Seventeenth-century Edinburgh: A demographic study* (Aldershot, 1994); R. A. Houston, *Social Change in the Age of Enlightenment: Edinburgh, 1660-1760* (Oxford, 1994); G. Jackson, & S. G. E. Lythe, *The Port of Montrose: A History of its harbour, trade and shipping* (Tayport, 1993); J. K. McMillan, ‘A study of the Edinburgh burgess community & its economic activities, 1600-80’, Edinburgh Ph.D. (1983); T. C. Smout, ‘The development and enterprise of Glasgow, 1556-1707’ *Scottish Journal of Political Economy*, 7 (1960), 194-212; T. C. Smout, ‘The Glasgow merchant community in the seventeenth century’, *SHR*, xlvii (1968), 53-71.

³¹ M. Lynch (ed.), *The Early Modern Town in Scotland* (London, 1987); M. Lynch, ‘Continuity and change in urban society, 1500-1700’, in R. A. Houston & I. D. Whyte (eds.), *Scottish Society 1500-1800* (Cambridge, 1989), 85-117.

³² M. Lynch, ‘Urbanisation and urban networks in seventeenth-century Scotland: some further thoughts’, *Scottish Economic and Social History*, 12 (1992), 24.

dealing with the convention's interaction with its constituent members. Chapter one examines individual burghs' relationships with the convention, looking particularly at the types of appeals which were brought to it. It looks at, in turn, intra- and inter-urban matters and then extra-urban disputes. It considers the extent to which government took on roles regarding individual burghs which the convention had previously held and whether or not burghs were bypassing the convention in their appeals. It also considers the key question of the encroachment of landowners on burghs' privileges. Chapter two reflects on some of these issues in relation to Edinburgh's dominant role in the convention, looking at how this position was policed and challenged by the other burghs, how the crown interfered in Edinburgh's internal affairs and the effect this had on the burghs. Chapter three then considers urban finances, providing an examination of the economic condition of the burghs, the effect this had on the convention and the impact the convention had on their condition.

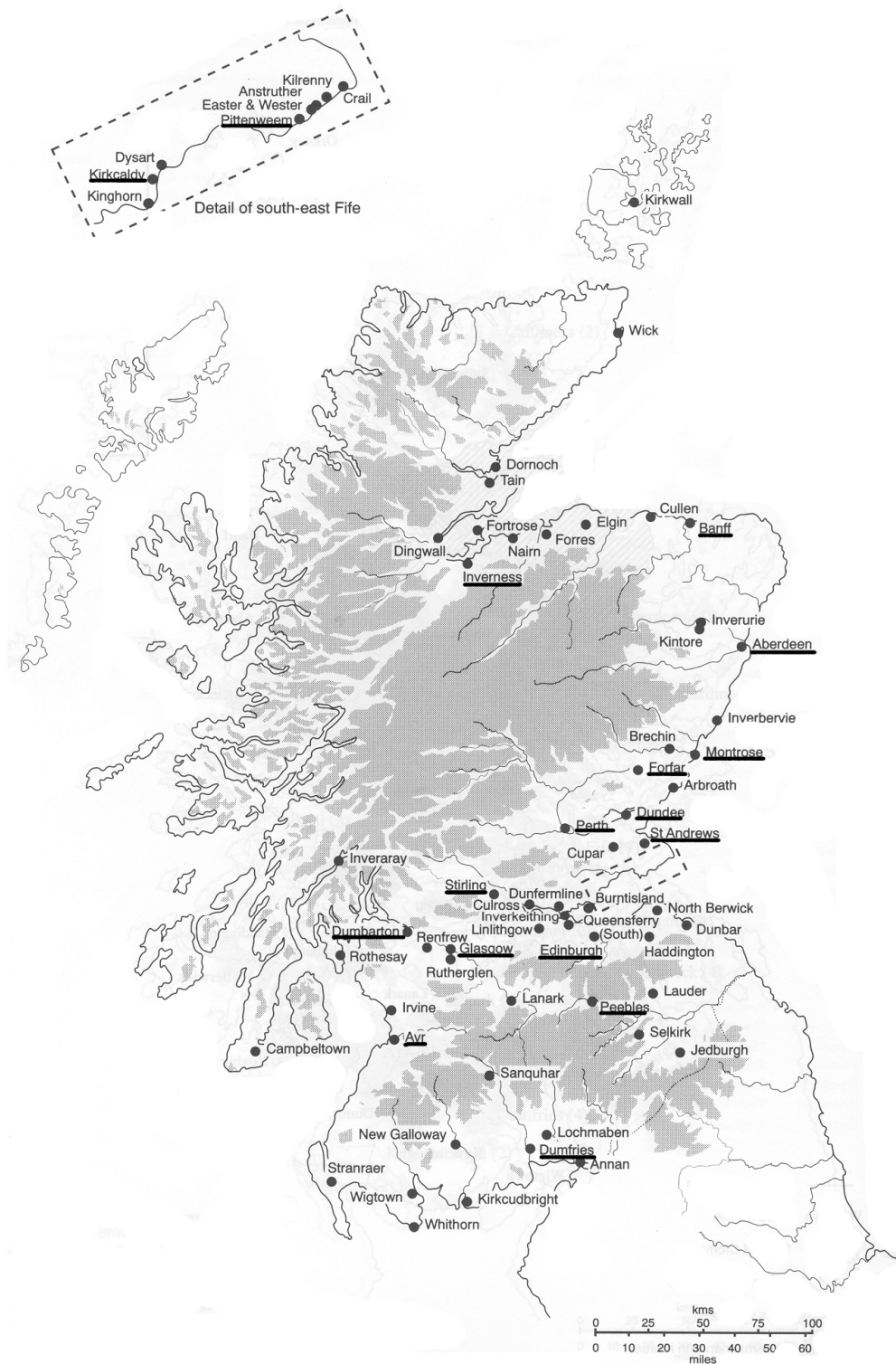
The second part of the thesis looks at the convention's role in national politics in the period. Chapter four contains an assessment of the convention's position and activity in the Interregnum, considering the challenges it faced under the new regime and its ability to adapt to and thrive under these conditions, gaining a great deal of influence. One of the problems of the historiography of the period is that it has tended to view the 1650s as an anomalous period, from which the Restoration period was somewhat divorced.³³ The following chapters aim to draw links between the two periods, demonstrating that there were many continuities. Chapter five addresses the convention's activity in parliament, looking at its influence, its attempts to ensure strong and united representation for the burghs there, its successes in legislation and

³³ Just one example is Goodare, *State and Society*, in which the final chapter discusses the century from 1625-1725. Though Goodare is discussing state formation, hardly an irrelevant topic for the 1650s, that decade is ignored.

the struggles it had protecting the burghs' interests against the landowning estates. The chapter also provides further evidence of the strength of parliament in relation to the crown, demonstrating that it was capable of acting in opposition to the crown. Chapter six then examines the convention's relationship with the crown, again reflecting on its influence and how it sought to provide effective representation for the burghs, to the extent of opposing the crown. It will consider the crown's attempts to secure a more absolute form of government by interference in the burghs and how this affected the convention.

Regarding sources, none of the previous studies of the convention used individual burghs' records. Given that the convention would not exist without its individual members, the relationship between the two is crucial, while the individual burghs' records can contain further evidence of the convention's activity on a national level. With this in mind, a sample of seventeen burghs was taken, as indicated on the map following this introduction. The sample included the five largest burghs, Aberdeen, Dundee, Edinburgh, Glasgow and Perth. The other burghs were divided into two categories, mid-sized, assessed to pay between £1 and £3 of every £100 on the burghs' tax roll, and small, paying less than £1 of every £100. Some geographical balance has been sought as well. While there is slightly higher representation from the burghs with the most easily-accessible archives from Dundee, this in part reflects the high concentration of burghs in the centre-east of the country. Of the mid-sized burghs, Inverness was chosen from the north, Montrose from Angus, St Andrews and Kirkcaldy from Fife, Stirling from the centre, Ayr from the west and Dumfries from the south-west. The smaller burghs chosen were Banff from the north-east, Forfar from Angus, Pittenweem from Fife, Peebles from the Borders and Dumbarton from the west.

Overall, this study demonstrates that the convention cannot simply be ignored in the period. It was not, therefore, 'of little significance' but was a crucial part of the activity of the royal burghs, and thus of the urban and economic life of Scotland. Yet it was much more than simply an inter-urban regulatory institution. It played an important role in coordinating the action of the burghs in national politics and was thus an important part of the political system of the nation. Despite its contemporary critics and its historiographical obscurity, it was a significant body in late seventeenth century Scotland.



Map 1

The royal burghs, adapted from P. G. B. McNeill & H. L. MacQueen, *Atlas of Scottish History to 1707* (Edinburgh, 1996), 228. Campbeltown was not erected until 1700, while Cromarty (located north-east of Fortrose) was removed from its position as a royal burgh in 1685. The underlined burghs constitute the sample taken for this thesis.

Chapter 1

Individual Burghs and the Convention

The little that has been written on the convention of royal burghs has tended to focus on the records of the body itself, or to refer to it while considering parliament and the crown, thus focusing on the records of those bodies. While these two levels of study – from the perspective of central government and the convention itself – do indeed shed a great amount of light on the convention, there is a third level without which any understanding of it will always be limited. Just as parliament was not an establishment independent of its members, the convention did not exist in isolation. Indeed, without its constituent member burghs it would not have existed at all. Thus it is of vital importance to examine the relationship between individual burghs and the convention.

Edinburgh has been examined separately in chapter two because of its unique position as the ‘standing committee’ of the burghs. Its relationship with both the convention and the crown operated largely in a different way from that of other burghs. Yet even in the way that other burghs responded to Edinburgh’s dominance among the burghs, the importance of their relationship with the convention is clear. They participated in the removal from the provostship of Lauderdale’s close associate Sir Andrew Ramsay in 1673 and thus helped to protect some level of independence from the crown for Edinburgh and the convention. They recognised its position of influence and approached it for aid. Significantly, some occasionally challenged its influence and the way it exercised it. Other burghs were not content to simply sit back and allow Edinburgh to run things for them – they were engaged in the work of the convention. If it was not valuable to them, there would have been no value in challenging Edinburgh when that burgh was perceived to be overstepping its bounds.

Though individual burghs were often turning to parliament and the crown for assistance rather than to the convention, it still received many appeals from them. Its ability to respond effectively did not always match the need, due at least in part to the economic condition of the burghs which shall be discussed in chapter three. Despite this, the burghs continued to rely on the convention. Pagan's assertion that politically the convention was 'of little account', which seems to have been largely accepted, does not stand much examination.¹ This assessment has been made without close scrutiny of the burghs' own records and without the consideration that, in spite of the convention's limitations and changes in its relationship with the burghs, it was still viewed by them as important. In order to assess this relationship, the matters the burghs took to the convention, covering inter- and intra-urban matters and extra-urban disputes, will be considered – as well as those which they did not take.

Inter- and intra-urban matters

Disputes between royal burghs were occasionally raised and, though some went to the privy council, the convention was more usually the arbitrator. Some cases which came to it were brought by merchants, such as the Dundee merchant who complained against Nairn for imposing a fine on him, and the merchants of Edinburgh who complained that the magistrates of Cupar, Dunfermline, Linlithgow and Inverkeithing 'does much prejudg tham in thair mercatis by imprisoning them and fyning tham' with the claim that their measures did not conform to the standard.² These incidents would suggest that some merchants at least had confidence in the convention's abilities as an arbitrator, confidence which may have come from successful outcomes of the burghs' continued appeals in situations of dispute.

¹ Pagan, *Convention*, 262.

² RCRBS, iii, 514, 545-6; R. D. Connor & A. D. C. Simpson, *Weights and Measures in Scotland: A European Perspective* (Edinburgh, 2004), 277-8.

The majority of these appeals seem to be clearly within the bounds of the convention's authority as the body which regulated weights and measures and acted against unfreemen trading illegally. The convention's own records have numerous accounts of disputes coming before it on these matters. Problems with customs exacted at another burgh's market, often by one particular group, arose a few times. In 1675, the commissioner from Selkirk complained against the cordiners of Peebles for exacting 'ane extraordinar custom' from Selkirk's shoemakers, though no resolution is recorded. A complaint was made by Dumfries against illegal practices in Perth's fairs which were affecting its merchants' purchase of linen, and the convention ordered Perth to act legally. A much wider complaint was made by Cullen against Banff for 'certain prejudices susteained be them anent the wplifting of severall customes dew to them of certain fairs and mercats', which was met with a counter-complaint against Cullen's supposed interruption of Banff's right to regulate weights and measures in the fairs of Banffshire.³ Complaints were also made against burghs allowing non-residents and unfree persons to continue trading, such as those from Glasgow (against Renfrew), Stirling (against Perth) and Aberdeen (against Kintore and Inverurie) seeking the enforcement of acts of parliament and of burghs regarding the requirement of burgesses to be resident in their burghs.⁴

Not all appeals made it as far as the convention. In 1658, Peebles was summoned by Edinburgh for holding a market at 'Brighousknow' to the prejudice of Edinburgh's customs. After meeting with Edinburgh's council, its commissioners to the general convention were asked to raise the matter there. However, before this could be done they met again with a committee from Edinburgh and though no resolution was made it did not reach the convention. After a further summons by the burghs' agent was

³ *RCRBS*, iii, 653, 662; *RCRBS*, iv, 5; PKA, Convention of Royal Burghs Records, B59/27/6/1-2.

⁴ *RCRBS*, iii, 608, 610; *RCRBS*, iv, 33.

apparently ignored, Edinburgh remitted the matter to the convention. However, with no general convention meeting in 1659 it was never raised, though Peebles appears to have been able to continue holding markets there.⁵ Dundee also dealt directly with Perth in 1670 when exorbitant customs were being uplifted by some persons at its market, rather than going through the convention.⁶ But though burghs could obviously resolve problems among themselves, it is clear that they still recognised that the collective decision of the convention could be acknowledged and adhered to by both sides in a dispute.

Even when supplications did not relate to matters obviously within the convention's remit it often intervened. When 'great heats and animosities' arose between Dundee and Brechin over an escaped prisoner, the convention took it upon themselves to step in and act as peacemaker.⁷ In 1657, Pittenweem received £114 from the convention to defend a legal action Crail had begun against it and its privileges at Fife Ness, one burgh going to the court of session and the other to the convention.⁸ Clearly these burghs did not have a conception that certain matters were outside the convention's jurisdiction and recognised its ability to arbitrate in many cases. However, there were cases where this is not so evident and the convention was avoided. When a dispute arose involving Kirkcaldy, Burntisland and Kinghorn concerning ferries across the Forth, Kirkcaldy expected it to be moved at the convention, but instead the other burghs took it to the privy council which referred it to the court of session.⁹

⁵ R. Renwick (ed.), *Extracts from the Records of the Burgh of Peebles, 1652-1714* (Glasgow, 1910), 44; *Edin. Recs.*, 1655-1665, 95, 119-21, 122-4; NAS, Peebles Council Minutes, B58/13/2, ff.41v, 45v.

⁶ DCA, Council Book, vi, f.12r.

⁷ *RCRBS*, iii, 627; DCA, Council Book, vi, ff.19r, 27, 31r, 33r, 39r.

⁸ SAUA, Pittenweem Council Minutes, B60/6/1, ff.65v-67r, 68v.

⁹ FCA, Kirkcaldy Burgh Council Minutes, B/KDY/1/1/1, f.154; Kirkcaldy Burgh Council Minutes, B/KDY/1/1/2, ff.45v-48v.

The most significant dispute of the period, that between Glasgow and Dumbarton over the rights to the customs dues on the Clyde, only very briefly came before the convention. This probably does not represent a feeling that it was too major an issue for the convention to resolve, but was rather a hangover from the 1650s as its influence in such matters was weakened by English intervention. It may have been competent to judge at least after the Restoration but, having lost some of its regulatory authority under English rule, the matter was taken out of its hands. In 1652, Dumbarton's council recorded that the English customer at Glasgow

doeth claime rycht and Introuett with the customes of this brucht within the river of clyde with the anchorage and tunage of schipe and uther veshells cumeing in to the said river wher unto this brucht hes the undoubted rycht conform to ther infeftment and charter.¹⁰

Having sent a commissioner to Edinburgh to explain its rights, Dumbarton appears to have regained some right to collect the dues, for in 1657 Glasgow purchased a suspension against it for charging Glasgow's merchants for customs. As the customs and excise were governed by the English authorities with the convention having less of a regulatory role, it is not surprising that the action was primarily played out in the courts.¹¹ Supplication was made to the 1658 general convention, but it was initially referred to the following particular convention and then, with both burghs absent, to the next general convention which, in 1659, was not allowed to sit for reasons considered in chapter four. In the meantime, Glasgow continued to pursue the matter before the courts. Dumbarton also supplicated the council of state and the earl of

¹⁰ WDA, Dumbarton Council Records, 1/1/2, 9 Sept. 1652.

¹¹ Ibid., 10 & 29 Jan. 1653; Dumbarton Council Records, 1/1/3, 2 & 19 Dec. 1657, 23 Jan. & 22 May 1658, 3 Sept. 1659.

Argyll in the hope of adding political weight to its claim, but Glasgow would not compromise to reach an amicable solution.¹²

Dumbarton clearly retained some right over the dues, as Glasgow felt it necessary to prosecute it, while it sought to recover the dues collected by a lieutenant in the garrison when he left the burgh. Yet after the Restoration, Dumbarton protested vigorously at the wrongs done by the council of state in taking its privilege to the dues from it.¹³

This was presumably to give a strong impression that it was the victim in the matter.

However, Glasgow ‘purchast ane new infeftment of thair former pretendit liberties and priviledges’, with new claims added, and the matter was then taken before the session, with further attempts at negotiating a solution and appeals also made to the privy council to try to shorten the action.¹⁴ In early 1666 the matter was finally settled in favour of Glasgow which was released from paying dues to Dumbarton for its own vessels but had to pay it ‘such ane sowm of money therefor as they think fitting’.¹⁵

Dumbarton appears to have considered making a further claim to the dues in 1685, but this apparently never went beyond its own council.¹⁶ Rather than the convention being bypassed in this decision due to any lack of confidence in it, a case which was appropriately begun in the courts due to the situation in the 1650s was simply continued there.

Internal disputes were often settled by the convention but could also involve the privy council or even parliament, and there is no clear pattern of who should resolve these.

¹² *RCRBS*, iii, 478; WDA, Dumbarton Council Records, 1/1/3, 7 Aug., 18 & 28 Sept., 16 Oct., 31 Dec. 1658; GCA, Council Minute Book, C1/1/13, 5 Mar., 24 July, 13 Nov. & 28 Dec. 1658.

¹³ WDA, Dumbarton Council Records, 1/1/3, 3 Sept. 1659, 25 Aug. 1660, 11 May 1661.

¹⁴ *Ibid.*, 11 Mar., 11 May & 21 Dec. 1661, 18 Dec. 1662, 31 Oct. 1663, 24 Dec. 1664, 29 May & 3 Dec. 1665; GCA, Council Minute Book, C1/1/14, 26 Apr. & 24 Dec. 1664, 3 June & 28 Oct. 1665; *Glas. Recs.*, 1663-1690, 10, 24-6.

¹⁵ WDA, Dumbarton Council Records, 1/1/3, 10 Mar. 1666; *Glas. Recs.*, 1663-1690, 72-8 – includes transcripts of the claims of both burghs to the session, and its decisions in the matter.

¹⁶ WDA, Dumbarton Council Records, 1/1/4, 437.

Even the English regime during the Interregnum was called on by some burghs to resolve problems. Glasgow appointed agents in London, as well as two in Edinburgh at one point, and went to the regime to seek assistance after the fire of 1652, getting a grant of £1,000 sterling (£12,000) from parliament and abatement from its cess which was to be paid towards repairs.¹⁷ Perth also had an agent in London and was prepared to make representation to the English governor of Perth and the council of state, even on the issue of repairs to the tolbooth for which, if any outside help was to be sought, application would usually be made to the convention.¹⁸ Montrose applied to the army for an ease of quartering and cess as early as 1652, issues in which a burgh might have expected to go directly to the regime but in which the convention was also appealing.¹⁹

Increased royal interference in burghal affairs does seem to have resulted in a growing proportion of disputes going to the privy council in the 1680s, but this translation of appeals away from the convention in the Interregnum continued straight after the Restoration. When Aberdeen's council had a dispute with its crafts in 1661, and the crafts complained against the council in 1675, both cases went to the privy council for arbitration, perhaps because the crafts would be less willing to submit to the decision of the merchant-dominated convention.²⁰ This may also have been the case in 1659, when the convention was ordered by General Monck (after a supplication to him by the merchants) to resolve a dispute between the magistrates and the crafts over the establishment of a merchants' guild, and the crafts appeared reluctant to submit to its decision.²¹ In 1662, when Dunfermline complained against its craftsmen taking control of elections, the matter had to be resolved by the court of session, and in 1680

¹⁷ *Glas. Recs.*, 1630-1662, 232, 237, 242, 247, 371, 387, 399-400; C. H. Firth, *Scotland and the Protectorate, 1654-1659* (Edinburgh, 1899), 218-9; *APS*, 755.

¹⁸ *PKA*, Perth Town Council, B59/16/6, 31, 53, 61, 127; Perth Town Council, B59/16/6, f.82r.

¹⁹ *AA*, Montrose Council Book, M1/1/2, 77, 82, 87, 101; *RCRBS*, iii, 369, 393-5, 428.

²⁰ *RPC*, i, 42-3; *RPC*, iv, 349-50.

²¹ *RCRBS*, iii, 461, 464-5, 477-8; *ECA*, Council Registers, SL1/1/20, ff.55v, 72r, 87v, 89v-90.

Burntisland's crafts went to the session hoping for the establishment of a deaconry, with the convention's agent appointed to help the magistrates of the burgh defend against this.²² However, crafts did sometimes submit to the convention's decision, as in the establishment of a merchants' guild in Dumfries when the deacon convener of the burgh's crafts was given permission by the convention to seek an amicable settlement with the council, suggesting that its influence was not only with merchants.²³

Problems in Montrose between some merchants and the magistrates and council saw the complainants seizing the opportunity presented by the sitting of parliament to bypass the convention. Difficulties within Montrose's council came to the attention of the general convention in July 1660, when some merchants from the burgh made a complaint against its magistrates and council in relation to the craft deacons of the burgh. The complaint was referred to a particular convention and it was decided that no action could be taken until the next general convention or the meeting of any 'competent judicatorie', though exactly what that refers to is unclear. Both sides were told to keep the peace, and any that failed to do so would find themselves prejudiced in the decision of the convention. In the particular convention in December 1660, a committee of six burghs was appointed to go to Montrose to try to resolve the dispute, either due to the urgency of the matter or due to a fresh complaint, perhaps after the town council's ruling on the matter in August. The matter arose in the convention as it sat alongside parliament, and the magistrates of the burgh were given until 12 February to present their case, though the convention did not sit again until 16 February.²⁴

²² *RCRBS*, iii, 552, 561-2; *RCRBS*, iv, 18.

²³ *RCRBS*, iii, 537, 559-60; DAC, Dumfries Council Book, WA2/2, f.165v.

²⁴ *RCRBS*, iii, 518, 520, 530, 537; AA, Montrose Council Book, M1/1/2, 142.

At this stage matters were very much remaining within the jurisdiction of the convention, as would be normally expected unless a party continued to refuse to submit to their decision in which case the court of session or privy council might get involved, perhaps as the ‘competent judicatorie’ referred to. However, the sitting of parliament gave the complainants an opportunity to try to bypass the convention, and on 13 February a petition was submitted by the merchants to the articles. Their plan backfired, as the articles recommended to parliament that the matter should be remitted to the commissioners of the burghs, and this decision was approved. A committee of burghs then reported to the convention and sought their approval of their view on how the matter should be resolved before it was presented to parliament. Parliament then accepted their report, and an act was passed to which the council adhered.²⁵ The merchants’ attempts to bypass the convention may have shown their lack of confidence in that body’s ability to resolve their dispute, but the incident reveals that the convention was still able to make clear decisions and that parliament recognised its expertise and authority in such matters, just as the English authorities did in the 1650s, as evidenced by their remission to the convention of the dispute over the merchants’ guild in Kirkcaldy.

Problems between magistrates and councils could also be settled by either the convention or the privy council. In the Interregnum, the convention was successful in dealing with a dispute between Perth’s council and a former provost which arose in 1652 over debts incurred by the burgh. It sent commissioners to settle the issue, with accusations of misuse of the common good and over-borrowing proving unfounded.²⁶ Again in 1657, intervention was required in Perth in a dispute over the form of the council and, despite some opposition from the crafts, the convention’s ruling

²⁵ Ibid., 148-9; *RCRBS*, iii, 537-9; *RPS*, A1661/1/21, A1661/1/27, 1661/1/82.

²⁶ PKA, Perth Town Council, B59/16/4, 4 Oct. 1652-14 Mar. 1653; *RCRBS*, iii, 365, 367, 375-8.

prevailed.²⁷ The same year some merchants in Culross complained against abuses by the magistrates of the burgh, most of whom were craftsmen. After nearly 18 months and further complaints that they were admitting unsuitable persons as burgesses, the convention successfully ruled in favour of the merchants, as might be expected, setting out the new constitution of the council.²⁸ In the longest-running electoral dispute of the period, between some inhabitants of Perth and Sir Patrick Threipland of Fingask, provost of the burgh for a number of years, the privy council were the main arbitrators.²⁹ Such issues did come up regularly and, certainly until the 1680s, were often dealt with, generally successfully, by the convention. It was often able to resolve electoral problems, settling disputed elections in many burghs including Dunfermline in 1662 and Inverness in 1676.³⁰ Two disputes within Jedburgh came, first from the burgh clerk in 1661 who complained of being illegally deprived but did not appear to press his case which was thus settled in favour of the burgh. The second concerned an election which was found to be faulty but allowed to stand due to the chaos caused by the ‘long troubles of this kingdome’, and the convention’s decision to allow the matter to be fully settled by a committee of visiting burghs was accepted.³¹

A more complicated dispute arose in Brechin between the magistrates and council, who wanted to erect a merchants’ guild in the burgh, and a party of merchants and crafts opposed to the plan who were supported by the bishop. The bishop was also accused of electoral irregularities by the merchants. As Brechin was one of five royal burghs which still operated in part as ecclesiastical burghs, with the bishop having

²⁷ Ibid., 457, 466-8; PKA, Perth Burgh Court Book, B59/12/2, f.102r, f.104r; Perth Town Council, B59/16/5, 119.

²⁸ RCRBS, iii, 460, 463-4, 481-2, 484-6.

²⁹ PKA, B59/39/3/1-2; Perth Town Council, B59/16/9, ff.49v-50r, f.68v, f.73v, f.112; Perth Town Council, B59/16/10, f.35; *RPC*, iv, 552-70, 585; *RPC*, viii, 70-6.

³⁰ RCRBS, iii, 552, 561-2, 662-4; W. Mackay & G. S. Laing (eds.), *Records of Inverness, vol. ii, Burgh Court Books: 1602-37, Minutes of Town Council: 1637-88* (Aberdeen, 1924), 268-70.

³¹ RCRBS, iii, 532-3, 536-7, 539, 551, 559-60.

some say in elections, the convention's jurisdiction in matters relating to its constitution was not so clear cut.³² However, after a committee of five local burghs considered the matter and set out rules for its elections, including the establishment of a dean of guild, the convention's authority was accepted by both parties.³³ Another good example of the convention's ability to settle internal disputes and the respect in which it was held was the major dispute in Inverness among the council and inhabitants over the election of the magistrates and council. After the issue was brought before the convention, an unusually large committee of 12 burghs and the burghs' clerk (with seven as a quorum) was appointed to hear the different parties and find a compromise, with power to establish a new constitution for the burgh. An agreement was reached and all parties submitted to the decision.³⁴

It is clear that there was irregularity in the resolution of internal disputes, with even parliament being asked to intervene on occasion, but the convention's authority and ability to act in these matters seems to have been widely recognised. However, the number of internal disputes going to the privy council, in relation to those going to the convention, did increase in the 1680s, with major disagreements in Glasgow between the council and the maltmen and in Culross between certain inhabitants and the magistrates both requiring lengthy deliberations before the council.³⁵ This can perhaps be accounted for by the increased royal interference in the burghs' affairs and the associated decline in the convention's influence. Yet it is interesting that, given the strength of royal authority since the Restoration, it took until the 1680s for this to

³² See AA, Brechin Town Council, Minute Book No.1, i-ii, B1/1/1 – Brechin had three bailies, one chosen by the burgh, one by the earl of Panmure and another by the bishop who was also usually involved in choosing the council and setting the leets of the bailies.

³³ AA, Brechin Guildry Receipts, MS585/8/3; Guildry of Brechin, Petitions, MS585/12; *RCRBS*, iii, 578, 588, 602-6, 616.

³⁴ Mackay & Laing, *Records of Inverness*, 268-70; *RCRBS*, iii, 662-4; *RCRBS*, iv, 2.

³⁵ *RPC*, x, 189-94; *RPC*, xi, 328, 342-3, 402-5, 411-7, 424-5, 452, 459-68, 498-500, 503-21, 584-98; *RPC*, xii, 44-67, 90-105, 129, 267-98.

happen. The convention was undoubtedly seeing its authority and role among the burghs challenged, yet while the burghs did use the privy council as a forum for settling problems they seem to have continued to recognise the influence and ability of the convention in many of these matters. However, given the changing situation in the 1680s, there was still some concern in the convention that they were losing influence among the burghs and in 1686 the privy council received a letter from the king stating that

the commissioners of our royall burroughs of that our ancient kingdome have humbly represented to us the great troubles and expences they are put to by many needlesse or malicious complaints before our Privy Council, and therefore humbly desire that wee may allow them to hear and to arbitrate in such matters in the first instance which wee believe they mean (during our pleasure) and leaving ane appeale from their arbitration to our Councell.³⁶

The response of the council to this is not recorded, but no clear resolution seems to have been made. There is something of a paradox here, as the burghs were calling for a reassertion of the convention's position as their representative yet it was the burghs who were using other judges. Even if a degree of necessity and expediency had driven them to use the council, they seem to have viewed the convention as the ideal judge in their disputes. It was certainly not being ignored by the burghs and was continuing to show at least some, if increasingly limited, effectiveness in dealing with their complaints.

While disputes were not uncommon, these were of course not the only causes of burghal appeals to the convention. There were areas where it lost significantly to the crown and parliament before the 1680s, namely in granting impositions and voluntary

³⁶ *RPC*, xii, 193.

contributions to individual burghs. In the first half of the century, burghs would go to the convention to ask its permission to approach the king for an impost on particular goods or at a particular bridge in order to raise money for a building or repair project. This was not a statutory requirement, but was standard practice.³⁷ However, in 1653 Montrose went straight to the English regime in asking for liberty to place an imposition on each boll of malt traded in the town to pay off some of its debt, something the convention would traditionally have given licence to appeal for. Edinburgh also went to the regime, being granted an imposition on ale and beer in 1653 to defray its debt.³⁸ After the Restoration, burghs appealed to the privy council or directly to the king for such imposts, and a tradition that had disappeared during the Interregnum never returned. Glasgow borrowed £1,000 sterling (£12,000) to give as a gratuity to those, particularly secretary of state Melfort, who had helped them gain an imposition from the king on various types of alcohol, to be put towards defraying their debt.³⁹ Inverness even went to parliament in 1681 in its appeal for an imposition on certain goods crossing its bridge, in order to raise money to build a new bridge, though this seems to have been unusual.⁴⁰ This general trend may indicate a little less regard for their fellow burghs on the part of the appellants and perhaps a weakening of urban solidarity, as they were not seeking the consent of the burghs whose merchants would be penalised by such impositions.

³⁷ See *RCRBS*, iii, before 1651.

³⁸ AA, Montrose Council Book, M1/1/2, 82; *APS*, 764, 779-80.

³⁹ *Glas. Recs.*, 1663-1690, 395-7.

⁴⁰ NAS, PA7/11/36; *RPS*, 1681/7/72. For some other examples of imposts see: *RPC*, iii, 221; PKA, Perth Town Council, B59/16/8, f.7r; Perth Town Council, B59/16/9, f.25r, ff.27r-28v, ff.64r-65r; Perth Town Council, B59/16/10, ff.5v-8v; FCA, Kirckaldy Council Minutes, B/KDY/1/1/2, f.7v, f.76; *Edin. Recs.*, 1655-1665, 219; P. J. Anderson (ed.), *Charters and other Writs illustrating the history of the Royal Burgh of Aberdeen 1171-1804* (Aberdeen, 1890), 207, 256, 267, 271; W. S. Cooper (ed.), *Charters of the Royal Burgh of Ayr* (Edinburgh, 1883), 66-9; J. Shedden-Dobbie (ed.), *Muniments of the Royal Burgh of Irvine*, i (Edinburgh, 1890), 112-3; J. Mooney (ed.), *Charters and Other Records of the City and Royal Burgh of Kirkwall* (Aberdeen, 1952), 78.

Voluntary contributions had also traditionally been warranted by the convention and this role was also almost entirely lost to the privy council.⁴¹ This simply shows that the other bodies had wider influence and could authorise collections from a wider constituency than that of the convention. It is clear that the convention had not entirely lost influence in this as it occasionally played a role in the contributions, with Dundee waiting for the convention's approval of a warrant to Inverkeithing before taking a collection in 1666 and the convention often recommending that the burghs adhere to a contribution already granted by the council.⁴² There were still instances where the convention, as well as recommending to other burghs that they should contribute to a collection, actually authorised one, such as in 1669 when the burghs were recommended to 'contribute a favourable supplie' for building projects in Burntisland, Kinghorn, Culross, Forres and Nairn.⁴³ These five burghs could not each expect to receive a large amount from this collection, further indication of why the convention was little used in such appeals. Dumbarton did appeal for a voluntary contribution through the whole burghs for aid with its flood defences, but the petition was seemingly not even discussed in the general convention and the appeal appears to have been fruitless, perhaps a reflection of the convention's acceptance that this was no longer its preserve.⁴⁴

With the loss of its ability to act regarding imposts and voluntary contributions, the convention does seem to have grown in importance as a source of handouts. Such grants were made throughout the period to meet various needs and, other than the odd gift from the crown such as the gift of £162 sterling (£1,944) for St Andrews' pier and

⁴¹ For some examples of voluntary contributions see *RPC*: i, 519; ii, 141, 494; v, 294; vi, 403, 498; vii, 483-4; viii, 27-8; xiii, 11-2, 122.

⁴² DCA, Council Book, v, f.28v; *RCRBS*, iii, 616, 623; *RCRBS*, iv, 22, 35.

⁴³ *RCRBS*, iii, 616.

⁴⁴ ECA, Moses Bundle 210.

bridge, were the preserve of the convention.⁴⁵ These contributions were not granted to many burghs, and seem to have become accessible mainly to those with a major project on their hands, such as Aberdeen's harbour and Inverness's and Dumbarton's stone bridges. For small burghs with small projects this would mean that few sources of help existed, and the convention's grants could have been a lifeline for them. Grants in the earlier part of the period, such as the 300 merks (£200) given to Whithorn for harbour repairs in 1660, were rare, but they did increase in the late 1670s and 1680s.⁴⁶ This was perhaps a reflection on the financial struggles of the burghs which will be considered in chapter three.

Many of the grants were made after a visit from a committee of local burghs. Their usefulness as a gauge of the condition of the burghs, when considered alongside handouts, requests for reductions in proportions of the tax roll, exemptions granted and dues discharged, shall also be examined in chapter three. A visit was not a guarantee that aid would be forthcoming, however; of three visits commissioned in 1673, only the report from Ayr is recorded in the convention minutes. And although its condition was found to be 'verie low' and was recommended to the general convention in 1675 (indicating how long this process took), neither the convention minutes nor Ayr's council minutes record any aid being given.⁴⁷ Many of the results of visits are not recorded by the convention, but others did result in aid being given. Two reports remain of visits to Renfrew and Montrose in 1688, and in that year Montrose was granted £25 sterling (£300) 'to relieve their necessities', while Renfrew received 500 merks (£333 6s 8d) to help it rebuild its tolbooth.⁴⁸

⁴⁵ SAUA, St Andrews Council Minutes, B65/11/1, 105.

⁴⁶ *RCRBS*, iii, 515.

⁴⁷ *Ibid.*, 634-5, 645; *RCRBS*, iv, 77-9.

⁴⁸ ECA, Moses Bundle 223; *RCRBS*, iv, 78.

A visit was not a prerequisite for awarding money to a burgh, with many simply responses to appeals. Inevitably, as with visits, not all appeals were successful. Presumably due to the volume of these requests, the convention does not seem to have been able to answer all of them successfully. In 1669, help for three burghs was to be a head of the missive for the next convention but was apparently never raised. No answer was recorded to Crail's request in 1680 and Pittenweem in 1688 had its request refused, though it was recommended to the privy council for aid. All grants were conditional, Whithorn being ordered to repay its grant when it was found not to have been used properly, though it later received another grant of the same value, £10 sterling (£120). As in this case, many grants were given as set sums of anything up to 600 merks (£400) to St Andrews for their relief or even £600 to Linlithgow in defence of an action by the duke of Hamilton concerning its port at Blackness. Some were paid from the revenue that the agent received in fines for absence. In 1680, Arbroath and North Berwick each received a quarter of the fines that the agent collected for absence from that general convention, a further £400 from the fines three years later and, after North Berwick was granted £200 in 1685, Arbroath received the same amount in the following year as the fines paid by Ayr and Irvine for their absence.⁴⁹ Interestingly, the £400 was granted to Arbroath after a vote to determine whether it should be proportioned among the burghs by the tax roll or given from the fines, showing that the burghs recognised that using the fines in this way would be less of a burden on them than an extra imposition.⁵⁰ These were not easy gifts to get. St Andrews paid so much in gaining the grant of 600 merks that it had to be stented on the town in order to be repaid, though the actual amount is unfortunately not specified in the council minutes, while its reduction in the tax roll the following year was also gained only 'with great

⁴⁹ *RCRBS*, iii, 616; *RCRBS*, iv, 11, 21, 23, 34, 42, 68, 78; SAUA, Pittenweem Council Minutes, B60/6/1, f.107v; ECA, Moses Bundle 211.

⁵⁰ ECA, Moses Bundle 210.

difficultie and pain'.⁵¹ This indicates how important to the burghs these gifts were, and shows that the convention had not lost all ability to assist the burghs, who in turn had not lost all faith in the convention. Despite losing its role in granting contributions, it could still be effective in giving help to the burghs.

Many appeals for help, however, went directly to the privy council or parliament rather than going through the convention, again suggesting that to some extent it was losing some of its influence with individual burghs. Many such appeals were from the larger royal burghs, the ones with the influence and money to pursue things without the weight and finance of the convention behind them. In 1663 Perth commissioned its provost to take a list of grievances to parliament 'and attend those in power for redressin the same'. The list contained numerous items relating to the burgh's losses in the 1640s and 1650s, and of course there was no obligation on it to seek the convention's help on this – though perhaps if it had the lack of parliamentary action on the issue could have been avoided.⁵² Both Aberdeen and Dundee appealed directly to the court, respectively via Lauderdale concerning a fear of misrepresentation before the king and the conservator representing losses to him, and did not seek the convention's help.⁵³ Larger burghs also bypassed the convention on matters other than requests for aid. In 1667, Dundee's commissioner to the convention of estates was instructed to concur with Aberdeen's commissioner on the customs of the plaiding, and though the issue did not arise in the estates it suggests that the two burghs were less concerned with working with the other royal burghs than they were with protecting their own interests in that trade.⁵⁴

⁵¹ SAUA, St Andrews Council Minutes, B65/11/2, 113, 119.

⁵² PKA, Perth Town Council, B59/17/7, 31 August 1663.

⁵³ DCA, Council Book, v, f.45r; *ACL*, iv, 76-7.

⁵⁴ DCA, Council Book, v, f.35v.

The larger burghs were not the only ones to bypass the convention in appeals. Some smaller burghs represented their losses, particularly from the early 1650s at the hands of the English armies, to parliament in 1661. One of them, Anstruther Wester, asked the convention's concurrence in its appeal which related to the loss of shipping and thus trade and which sought exemption from cess and other public burdens. On the report of neighbouring burghs which confirmed its 'most deplorable' condition, the convention agreed to help. A few weeks later, parliament referred this petition back to the convention, along with others from Anstruther Easter, Crail and Kilrenny.⁵⁵

Parliament was presumably not willing to allow complete exemption, but would allow the convention to exempt them from its tax roll – which would mean that the other burghs would be required to cover what they were not paying. Anstruther Wester's use of the convention did not gain it its desired exemption, but unlike the other burghs it did show some faith in the ability of the convention to positively influence parliament in its favour.

In the same session of parliament, Crail, Kilrenny and Anstruther Easter, this time with Pittenweem, sought to have their rights to fishing in the Northern Isles and elsewhere confirmed, and to be preferred to foreigners in fishing and buying fish.⁵⁶ The convention might have wished to be involved in the representation of this issue as something of interest to other burghs involved in fishing, but it seems to have been bypassed as these four burghs recognised that they could approach parliament directly. Though other burghs may not have gained the same benefit as if they had gone through the convention, they were spared the time that it would have taken for it to deliberate and present a case. Some of the matters which bypassed the convention were clearly outwith its jurisdiction, such as St Andrews' appeal to parliament in 1685 for help for

⁵⁵ *RCRBS*, iii, 532, 536.

⁵⁶ *RPS*, 1661/1/149-50.

the guard bridge to be repaired. This was granted ‘furth of some vacand stipend’, and though the convention was often approached for help with building projects, parliament or privy council had to authorise the use of vacant ministerial stipends.⁵⁷

Despite the involvement of the crown and parliament, a large number of appeals still came to the convention, many relating to financial issues. Some of these were clearly within the convention’s usual jurisdiction. It was occasionally asked to approve a burgh’s conduct in setting its common good, in its capacity of ensuring that the common good of the royal burghs was properly used. Throughout the period, requests for advice in improving parts of burghs’ common lands and particularly in the sale or long-term leasing of it came to the convention. Most requests concerned the setting of land for terms longer than a year, which burgh records show was the usual length of a tack. Some, such as Selkirk’s request to sell a mill to a local laird, were approved after reports from local burghs. Queensferry’s request to sell part of its common ground, however, was rejected and it was told to improve the ground so that it could be set for the highest possible price instead. Brechin was permitted to set its common lands and moor with advice of the bishop. Other requests, such as Haddington’s in 1687, appear to have been made retrospectively.⁵⁸ All these cases indicate that the burghs recognised that the convention retained an important role in legitimising the use of their own common good, even when it was to relieve their own burgh in increasing revenue or paying debts. When their proposals were not accepted, the burghs were willing to accept the convention’s ruling, despite its lack of legal authority to rule in these matters, a strong indicator of their continued sense of a place – or even a need – for the collective action and opinion of the burghs. In order to retain their wider privileges,

⁵⁷ SAUA, St Andrews Council Minutes, B65/11/2, 137.

⁵⁸ *RCRBS*, iii, 519, 539-40, 553, 588-9, 622, 635, 636; *RCRBS*, iv, 11, 73; PKA, B59/16/9, Perth Town Council, f.60v.

they had to continue to act in a manner appropriate to a royal burgh to stay within the convention, indicating its continued importance.

Another type of appeal regularly and unsurprisingly brought before the convention was for a reduction in the proportion of the burghs' tax roll paid by an individual burgh. Glasgow protested at being raised by £3 in the stent roll in 1683, with Kirkcaldy, Montrose and Elgin also protesting at their proportions being raised. Glasgow's commissioner went so far as to take instruments against the burghs' clerk for refusing to extract an instrument against the convention 'for their illegall proceeding in that affair', perhaps because it had also decided that alterations to the roll would not be considered for another five years, though this action does not seem to have gone very far.⁵⁹ One cannot read too much into this as regards the relationship between the convention and individual burghs, as it was only natural that each burgh should try to limit the proportions of taxation and other burdens it had to pay. Yet there were attempts to put external pressure on the convention for a change in the tax roll. Aberdeen in 1670 instructed its commissioner to the general convention and parliament to appeal to the latter if its proportion was raised – when it was raised, it repeated the instruction. However, its commissioner advised against this course of action, suggesting that 'to goe to the parliament for consultation (as matters stand) would doe little good and might prove of dangerous consequence'.⁶⁰ The fact that it would even consider going directly to parliament on a matter which was the responsibility of the convention shows a level of disregard for the convention and a willingness to bypass it when a favourable answer was not given.

⁵⁹ *RCRBS*, iv, 40-2; *Glas. Recs.*, 1663-1690, 335-6.

⁶⁰ *ACL*, v, 20, 32, 37.

Again, such action was not the preserve of the larger burghs. In 1680 Pittenweem decided that its commissioner to the next session of parliament should ‘petitione for ane ease of the heavy burdings imposed on this burgh now when all our able neighbours are fled and removed’.⁶¹ In 1682, after failing to gain anything from parliament, Pittenweem was granted 100 merks (£66 13s 4d) by the convention for its relief and was given a significant reduction in its tax proportion the following year. They seem to have been forced to recognise that a direct appeal to parliament was not as beneficial as an appeal to the convention, which dealt with such matters.⁶² In 1681 St Andrews also went to parliament to seek its help in getting a reduction of its proportion in the burghs’ tax roll, and though parliament was unable to force the convention to do anything, it did recommend to it that the petition should be acted on in St Andrews’ favour. The convention granted the burgh 600 merks for its relief in the following year’s general convention, and at the alteration of the tax roll its share was significantly reduced, suggesting that a direct appeal to parliament could reap rewards in the convention for the burgh in question.⁶³ There is thus a suggestion that these burghs were losing faith in the convention, but recognised that its decisions would be respected by parliament and resigned themselves to accepting it.

Appeals for enrolment also came to the convention, with eight burghs enrolled as royal burghs after the Restoration. All of the burghs enrolled in the period had charters granted much earlier. However, as MacDonald argues, a charter itself was no guarantee of access to either convention or parliament. In 1550-1651 at least, the convention had the final say, through the process of enrolment, over which burghs were erected in reality as royal burghs. Five of these eight burghs were enrolled in

⁶¹ SAUA, Pittenweem Council Minutes, B60/6/1, f.99v.

⁶² RCRBS, iv, 34; Smout, *Scottish Trade*, 282.

⁶³ RCRBS, iv, 40; RPS, 1681/7/68, C1681/7/12.

1661, three of them (Fortrose, Cromarty and Wick) ten days after appearing in parliament for the first time, while Kintore had first been in parliament in 1579 and Inverurie in 1612. This, with the fact that these five had their commissioners' qualifications scrutinised by the convention eight days before they were actually enrolled, might suggest that the convention was presented with a *fait accompli* and had to enrol them. Such a view is perhaps supported by the enrolment of Inverbervie just 20 days before that burgh first appeared in parliament in 1670.

On the face of it this could be challenged. MacDonald suggests that the convention was not troubled by the failure of Kintore and Inverurie to enrol due to their irregular attendance at parliament. Both Rosemarkie (enrolled with Chanonry as Fortrose) and Cromarty sought admission earlier than their eventual enrolment, in 1656 and 1660 respectively, when there was no Scottish parliament and when enrolment may have been seen as the access simply to trading privileges or to representation with other northern burghs in a British parliament. Kirkwall had also sought admission in the year previous to its first appearance in parliament in 1670. Yet Kirkwall and Inverbervie must have been summoned to the 1669 session of parliament. This was the first session of Charles II's second parliament and it seems unlikely that a burgh would be summoned to the second session in 1670 when the parliament had already begun and elections had been held. They were clearly not present, and unfortunately the sederunt of the 1669 session does not include absentee burghs, while the treasurer's accounts of the period do not give enough detail to determine whether or not they were summoned that year or even when the precepts of summons were issued.⁶⁴ However, on the assumption that it is most likely that they were summoned, of these seven only

⁶⁴ G. S. Pryde, *The Burghs of Scotland: A Critical List* (London 1965), 14, 16, 19, 22-3, 25, 28-30; *RCRBS*, iii, 430, 509, 516, 533-4, 611-2, 621-2; *RPS*, 1661/1/2, 1669/10/2, 1670/7/2; *NAS*, Treasury Accounts, E26/11/1; MacDonald, *Burghs*, 22, 27-8.

Fortrose and Cromarty sought enrolment before being considered parliamentary burghs, and even they sat in parliament before their enrolment. This challenges the contention from the earlier period that the convention had the final say in which burghs could go to parliament, and thus effective control over which burghs were erected as royal burghs, suggesting that the crown was seeking more control over the composition of the estate and taking this away from the burghs themselves.

This does not change the fact, however, that these burghs still sought enrolment in the convention. Whether or not anything can be assumed from the fact that Kirkwall and Inverbervie did it before they actually sat in parliament is unclear; it may be that they felt it would give them legitimacy in the eyes of the rest of the estate. But it is significant that they sought it at all, and this suggests that they saw an inherent value in membership of the convention. Parliamentary representation was clearly not the advantage they sought, though access to the trading privileges of the royal burghs may have been attractive. It is not too hard to imagine that all seven saw the convention as a useful and probably influential body, and saw the potential good that collective action could do them now that they had access to parliament.

Stranraer was a more unusual case, having gained its charter in 1617, but despite its best efforts never having been admitted to convention or parliament due to Wigtown's opposition, which caused the suspension of its erection in 1629. However, in the 1680s Wigtown pressured it to enrol or pay part of Wigtown's tax burden due to the competition it posed, presumably acting on the strength of its charter of 1617, and perhaps having been encouraged by the 1672 act which transmitted many of the royal burghs' trading rights to burghs of barony and regality. After a visit from Ayr to try to resolve the dispute Stranraer stated in 1683 that it would rather enrol than 'haue any

dependence upon the burgh of Wigtown', appearing in parliament for the first time two years later as perhaps the only burgh to be pressured into enrolment against its own will. Unfortunately it is not clear when its position changed from a desire to be enrolled to not wanting enrolment; but if it was trading largely on the strength of its royal charter, this may have been its undoing as it gave Wigtown the leverage to force it to bear the burdens of a royal burgh as well as enjoying the trade which troubled Wigtown.⁶⁵

Extra-urban disputes

The area of disputes between the royal burghs and landowners and unfree burghs has received a fair amount of attention from historians, though not necessarily with much mention of the convention itself. Yet this is a key part of the burghs' relationship with the convention as it covers a vast proportion of the appeals from the burghs. The assumption in older works seems to have been that the threat posed by unfree burghs, particularly after the 1672 act in their favour and in accordance with the frequent complaints of the royal burghs, was an active one.⁶⁶ More recent work has tempered this, questioning the extent of the activity and thus the threat of these burghs, while not denying it. The growth in baronial burghs and market centres in the late seventeenth century, well documented by both Lynch and Whyte, was certainly a challenge even though not all new centres were a success. As Lynch described it, this represented 'a marked shift in the control of the economy from town to country'.⁶⁷ The threat varied between royal burghs, but so many new market centres could only take trade away

⁶⁵ Pryde, *Burghs of Scotland*, 32; *RCRBS*, iv, 39; AAC, Ayr Council Minutes, B6/18/4, f.214r; *RPS*, 1685/4/2; MacDonald, *Burghs*, 25.

⁶⁶ Keith, 'Trading Privileges', 683; MacKenzie, *Scottish Burghs*, 92-5.

⁶⁷ M. Lynch, 'Continuity and change in urban society, 1500-1700', in R. A. Houston & I. D. Whyte (eds.), *Scottish Society 1500-1800* (Cambridge, 1989), 85.

from the royal burghs' own markets, one of the major complaints of the royal burghs.⁶⁸ Aberdeen was one burgh which seems to have suffered from the promotion of Old Aberdeen, which prospered and grew in population, with a 'thriving merchant community' as Aberdeen struggled and saw a declining population.⁶⁹ Yet Whyte also points out that this growth in 'rural service centres' indicates 'an expansion of internal trading activity within the Scottish economy', which could suggest that these centres were not so much taking trade as creating it.⁷⁰ Interestingly, a contemporary merchant believed that the erections of new centres would be unsuccessful in creating trade, as the proliferation of markets would mean that no market would be large enough to attract the foreign merchants who had frequented them, occasionally from Holland, France and Flanders as well as England and Ireland.⁷¹

Though it may have varied regionally and been overstated at times, the threat from new market centres to the royal burghs was a genuine one. There is less certainty over the threat to the royal burghs' foreign trade after the 1672 act. Brown suggested that, despite the merchants' fears, 'competition did not particularly damage the royal burghs'.⁷² Smout noted that very few from these unfree burghs were engaged in foreign trade except on a small scale to England and Ireland, and that 'those in the burghs of regality and barony were usually less interested in trade than the great nobles who pressed their claims for their own ends', nobles who, while promoting trade particularly if they were owners of coal and salt works, largely consumed their own

⁶⁸ Lynch, M., 'Introduction: Scottish Towns 1500-1700', in Lynch (ed.), *The Early Modern Town in Scotland* (London, 1987), 25; I. D. Whyte, 'The growth of periodic market centres in Scotland 1600-1707', *Scottish Geographical Magazine*, 95 (1979), 19-21.

⁶⁹ I. Blanchard, E. Gemmill, N. Mayhew & I. D. Whyte, 'The Economy: Town and Country', in E. P. Dennison, D. Ditchburn & M. Lynch (eds.), *Aberdeen Before 1800: A New History* (East Linton, 2002), 149; G. DesBrisay, "'The civill warrs did overrun all': Aberdeen, 1630-1690", in Dennison, Ditchburn & Lynch, *Aberdeen Before 1800*, 265-6.

⁷⁰ I. D. Whyte, 'The function and social structure of Scottish burghs of barony in the seventeenth and eighteenth centuries', in Maczak & Smout, *Gründung und Bedeuten kleinerer Städte*, 14.

⁷¹ Mackenzie, *Memoirs*, 177.

⁷² Brown, *Kingdom or Province?*, 53.

imports rather than selling them on.⁷³ It was the landlords who drove the erection of these new centres, and again good research has been done on their activities as entrepreneurs, often based around coal and salt works which then developed their own burghs for exporting these commodities ‘outwith the trammelling monopolies of the Royal Burghs’.⁷⁴ It is thus not surprising that the vast majority of cases of dispute, and a large proportion of all matters, that came before the convention concerned royal burghs and local landowners and their baronial burghs and market centres – a pattern set in the late sixteenth century which continued and increased after the Restoration.⁷⁵

Claims regarding economic competition from local landowners and burghs were not the only external problems the burghs faced. Some of these others were economic issues if not relating to direct competition, concerning impositions on burghs, particularly by shires. Perth did not go to the convention in a dispute over someone who had gained a gift of imposing customs on linen, cloth and yarn, but after a brief hearing at court delayed the case, a settlement was made directly with him, removing any potential requirement for help from the convention in future.⁷⁶ However, the convention was clearly willing to support the burghs regarding customs at markets, including those outwith the royal burghs, which must have been an encouragement to burghs facing this and similar situations. The agent and all the burghs resolved in 1665 ‘to proceed against heritors for exacting exorbitant customs at markets’, a problem which had been raised in the 1650s but on which action had been delayed due to the hiatus in the administration of justice before the Restoration. Nairn actually had control

⁷³ Smout, *Scottish Trade*, 72-5; Whyte, *Scotland before the Industrial Revolution*, 184.

⁷⁴ T. C. Smout, ‘Scottish Landowners and Economic Growth’, *Scottish Journal of Political Economy*, 9 (1962), 220, 222, 225; T. Devine, ‘Scotland’, in Clark, *Cambridge Urban History of Britain*, 157-8. K. M. Brown, *Noble Society in Scotland. Wealth, Family and Culture from Reformation to Revolution* (Edinburgh, 2000), 69-70, demonstrates that the entrepreneurial efforts of the nobility were ongoing before the Covenanted Revolution.

⁷⁵ M. Lynch, ‘Whatever happened to the medieval burgh?: Some guidelines for sixteenth and seventeenth century historians’, *Scottish Economic and Social History*, 4 (1984), 17.

⁷⁶ PKA, Perth Town Council, B59/16/8, ff.36r, 42v, 43r, 46.

of its markets taken away by some gentlemen, and gained the convention's aid in their recovery.⁷⁷ Dundee and several other burghs complained against the card manufactory in Leith for making illegal demands that merchants should sell only their cards and demanding oaths from them, and a petition was sent by the convention to the exchequer. In 1688, a number of cases were to be given assistance by the agent regarding various impositions. The bishop of the Isles was exacting new customs on fishing, some merchants were being charged for importing 'wooll cards', and some others were applying to be free of an imposition on brandy.⁷⁸

Some of these cases relate less to aggressive landowners and more to a national economic policy which was seeking to promote manufactures with the use of monopolies, but such landowners were able to encroach on a burgh's privileges in more ways than simply establishing new burghs or market centres and the convention was often called on to help the royal burghs in these other cases as well. In 1678, Edinburgh, Linlithgow and Aberdeen successfully helped Wick gain an act of the privy council against Caithness, which was demanding that the burgh pay part of the shire's public dues, when it actually paid with the royal burghs. Ayr and Irvine also complained against their shire for imposing a 'locality of corne and strae contrare to all law and custome', and the agent was commissioned to take the matter to the privy council.⁷⁹ Kintore and Inverurie in 1669 had also had the help of the burghs' agent in their successful action before the privy council against Aberdeenshire for charging them with part of the shire's cess and for a levy on horses from which they were exempt.⁸⁰ Ayr, however, had previously acted alone in appealing to the privy council for relief from the excessive amount of excise the shire was demanding from it, and the

⁷⁷ *RCRBS*, iii, 444, 462, 509, 516, 576.

⁷⁸ *RCRBS*, iv, 21, 77.

⁷⁹ *Ibid.*, 11, 24; *RPC*, v, 501; AAC, Ayr Council Minutes, B6/18/4, ff.160v, 164v, 165v.

⁸⁰ *RPC*, iii, 33-4.

quartering it had been subjected to for not paying. Though Ayr gained an act of council in its favour, the shire continued to demand the sum and the following year another successful appeal to the council was made, though this did not stop the shire seeking permission to levy an extra imposition on top of the excise two years later.⁸¹ Whether this case had given Ayr a recognition of the difficulty of taking on such cases alone, or Irvine's involvement in the later case prompted them to seek convention help, its independent action in the earlier matter does not suggest any lessening of its reliance on the convention. That the landed classes were trying to cause royal burghs to pay a share of the shire tax and other dues might suggest that the shires were struggling to pay their own share. However, given the more direct and aggressive ways in which landowners were trying to encroach on royal burghs' privileges it seems more likely that trying to avoid paying their share is another symptom of their aim for economic gain at the expense of the royal burghs.

This is also seen in direct encroachments, which were not uncommon and which almost certainly had economic gain in mind: for example, in 1668 Selkirk was given assistance by the convention in prosecuting a laird for 'violentie' encroaching on its common good; the following year Renfrew received 20 dollars (£58) and the agent's help against two lairds who had taken possession of its common lands; while in 1680 the convention agreed to help Dysart defend against two landlords who 'intend by reasone of thair waik and mean condition ... to take away their haill common good'.⁸² The exact nature of the violence involved in Selkirk's case is unclear, but there were other cases of violence being used against royal burghs. The motives behind the assault by some gentlemen on Elgin's tolbooth, in which one resident was killed and burgh officers wounded and in prosecution of which the convention gave its assistance, are

⁸¹ AAC, Ayr Council Minutes, B6/18/4, ff.65v-66r, 77v, 102v; *RPC*, iv, 102-3, 275.

⁸² *RCRBS*, iii, 607, 615; *RCRBS*, iv, 22.

unclear.⁸³ However, the larger attack in 1664 on Aberdeen's fishing on the Don was almost certainly an attempt to remove the burgh's ability, if not its right, to take advantage of the fishing. As its commissioner was to report to the convention,

the Earle of Marr and certaine wther noblemen & free holders wpon the water of done with ther associats & attenders had latlie convocat in armes about tuo thousand five hundreth men horse and foutt and had come doune and violentlie brockin doune the croves wpon the water of done belonging to the said burgh and therby incroached wpon the Townes priviledges and liberties they being superiors of the saids croves.⁸⁴

Given the size of the attack it is hardly surprising that, after appeal was made to the convention, the burgh was given the support of Edinburgh's dean of guild and one of its commissioners, as well as a sum of money, to prosecute the offenders and redress the damage done.⁸⁵

These cases show that the convention's aid in such matters was valued, though Dundee appears to have had a tendency to favour independent action, as in disputes with the shire over its attempts to establish a ferry at Broughty (which would provide competition for Dundee) and with the laird of Blackness over his use of some land to which the burgh believed it had the rights.⁸⁶ Precisely why it should have any reluctance to approach the convention for assistance is not clear, especially as it was the body which sought to ensure that burghs' common lands were properly used. It could be that these cases were considered straightforward enough that a burgh of Dundee's size did not need help. This would be supported by the fact that the cases

⁸³ *RCRBS*, iii, 581-2.

⁸⁴ ACA, Aberdeen Town Council Registers, CR1/1, liv, 526. 'Croves' are fish traps, in this case across the river.

⁸⁵ *RCRBS*, iii, 574.

⁸⁶ DCA, Council Book, vi, ff.30, 82, 155v, 171v

above in which Ayr, one of the middling group of burghs in terms of wealth, did not seek convention aid (against the shire) were very quickly and easily settled by the privy council – smaller burghs, on the other hand, would have been less able even to pursue simple cases with their meagre common funds. However, while this may work as a general rule, its applicability to Dundee is less easy. Its size alone does not account for it, as Aberdeen sought help from the convention. The fact that Edinburgh never approached the convention for help in this period is not particularly informative, given that its greater financial strength and influence would enable it to pursue its own cases more effectively, especially with the courts sitting in its own burgh. As shall be seen below, Dundee did not seek aid from the convention in much more significant cases which it then lost, while it was not in a strong financial position. It could be that its previous status as the second most wealthy burgh had left a sense of pride in its independence and a desire to retain that despite its changing situation, or simply that Dundee did not trust in the convention's ability to resolve matters – though any faith in the burgh's own ability proved misplaced.

Other external disputes related to the constitutional rights of the royal burghs. A number of burghs had disputes with the local sheriff regarding their respective jurisdiction over prisoners. Royal burghs were obliged to keep prisoners on behalf of the sheriff, but the burgh magistrates had shrieval jurisdiction within their own burgh. As discussed in chapter six, in 1688 the king allowed the burghs to refuse to take any prisoners sent from shires without sufficient supply being given for their maintenance. However, some of the problems were much more fundamental than that, as in Kirkcaldy's case in 1683 when it complained successfully to the privy council that the sheriff depute was encroaching on its privileges by summoning and fining its

inhabitants for being disorderly, when this was its responsibility.⁸⁷ Though the burgh decided not to involve the convention in this – perhaps because it considered it a straightforward matter of asserting the extent of their jurisdiction – Rothesay did seek the convention's aid in 1664 when the sheriff of Bute committed a riot, 'releiveing [them] of thair prisoneris without thair ordour and beating of thair saidis magistratis, and wtheris incivilities'.⁸⁸

In at least two cases the authority of a royal burgh was challenged by a hereditary constable, who had rights of criminal prosecution within certain areas, such as that around the castle of Dundee, which could overlap a burgh's own jurisdiction. Forfar approached the convention in 1673 and received the assistance of Perth, Dundee and Montrose in defending an action by the earl of Kinghorn over the constabulary of the burgh. The assistance was conditional: if the earl's rights were valid, Forfar would give up the case; otherwise it would receive 100 merks (£66 13s 4d) and the agent's help in the action, which was eventually requested by Dundee and Perth. After three years it won the case at the expense of losing the customs of one of the fairs in the burgh.⁸⁹ Incidentally, Forfar had in the previous year bypassed the convention completely in taking an appeal against a local laird directly to the privy council, indicating that any individual burgh did not necessarily favour one avenue of appeal over another.⁹⁰ It seems significant that the more important of these appeals, both in terms of the subject matter and the opponent, went to the convention, which was obviously regarded as necessary and able to provide assistance.

⁸⁷ FCA, Kirkcaldy Burgh Council Minutes, B/KCY/1/1/2, ff.32-3.

⁸⁸ *RCRBS*, iii, 569-70.

⁸⁹ *Ibid.*, 636; AA, Forfar Town Council Minute Book, F1/1/1, 107-9, 125, 127, 129.

⁹⁰ *RCRBS*, iii, 636; AA, Forfar Town Council Minute Book, F1/1/1, 107-9; F5/117.

Dundee's battle with Charles Maitland of Hatton, Lauderdale's brother, over the constabulary of that burgh was unsuccessful and perhaps highlighted the folly of their unwillingness to seek the aid of the convention despite the seriousness of the case. Hatton had been granted the estate of Dudhope after the death of the earl of Dundee. Mackenzie, in describing how the favouring of Hatton added to Lauderdale's unpopularity, wrote that having obtained the Dudhope estate, 'he did use it somewhat rigidly, and obtained such decreets before the session, that they were believ'd to be innovations of our law'.⁹¹ In December 1675, the burgh treasurer was sent to Edinburgh to get a commission from the privy council to hold an assize and try two thieves, taking Charles I's charter to the burgh stating that the provost was the principal sheriff in the burgh and its territories. It was obviously concerned that Hatton would challenge its right to judge in this case. Its concern was justified, as both Hatton and the earl of Southesk, sheriff of Forfarshire, appealed to the privy council claiming jurisdiction, and the case was settled in favour of Hatton though Dundee's shrieval rights were apparently left intact. After the burgh failed to hand over the prisoners, made more difficult by their escape, Hatton's legal action resulted in three people, including the provost and dean of guild, being removed from office in December 1676.⁹² Losing may have been a factor in further disputes with Hatton, relating to certain lands and fees Hatton claimed from the burgh and the jurisdiction of the tolbooth in the late 1670s, and his attempts to impose a minister on the burgh in the early 1680s. While at least some of the earlier decisions were decided in Hatton's favour (with his brother still secretary of state and king's commissioner), the latter was

⁹¹ Mackenzie, *Memoirs*, 240.

⁹² DCA, Council Book, vi, ff.76v-91r; *RPC*, iv, 528-35.

decided in favour of the burgh despite the support of the bishop of Brechin for Hatton.⁹³

None of these matters was brought to the convention. The matter of the minister seems to be far from the convention's usual activity, and previous cases had also not been brought to it. Kirkcaldy had given in to the wishes of Rothies, the chancellor and sheriff of Fife, in 1670 when he recommended a candidate as its second minister, though only after initially ignoring his wishes and discovering his unhappiness with that rejection. Fountainhall also records that the earl of Haddington had won a similar case against the burgh of Haddington.⁹⁴ Yet, though religious matters were not the usual territory of the convention, the root issue was the same as in the other cases: the desire of local nobility or gentry to encroach on the jurisdiction of royal burghs. It is debateable whether or not the involvement of the convention in the cases against Hatton would have helped it much, given his indirect influence at court and direct influence as lord treasurer depute and a lord of council and session. But the added weight of the other burghs, in a matter which could potentially set a precedent against their rights, may have made a difference.

Despite the result of Dundee's actions against Hatton without the convention's aid, it failed to seek such aid in 1686 when it again had to defend the magistrates' right as sheriffs within the burgh. This time the opponent was John Graham of Claverhouse, who by a charter of 1684 was made the new constable of Dundee (Hatton having become earl of Lauderdale on his brother's death) and also 'first magistrate' of the

⁹³ DCA, Council Book, vi, ff.115r-120v, 130v-132r; Lauder of Fountainhall, *Decisions of the Lords of Council and Session, From June 6th, 1678, to July 30th, 1712* (Edinburgh, 1749), 34, 67-8, 206; RPC, vii, 66-70.

⁹⁴ Fountainhall, *Decisions of the Lords*, 206; FCA, Kirkcaldy Burgh Council Minutes, B/KCY/1/1/1, ff.79v-80v.

burgh, an honorific title. Dundee protested against this to ensure that its privileges were not interfered with, and Lauderdale tried to raise an action against the provost for obstructing the constable. This would suggest that Claverhouse, like Hatton before him, had the favour of the crown. Although Claverhouse was confirmed in a case two years later as first magistrate, meaning ‘that he [should] have the precedence of first honor payed him befor the provest by all persones whomsoever within the said burgh’, the burgh was successful in retaining the privileges and jurisdiction of the magistrates.⁹⁵ There seems to be a clear connection between all of these cases and the general trend of landowners seeking gain at the expense of the royal burghs, indicating that their tactics in assaulting urban privilege extended far beyond the creation of new burghs and markets.

Another important case which did not come to the convention related to Glasgow’s rights regarding their elections. Glasgow was in a similar situation to Brechin, with the parliamentary and trading rights of a royal burgh but not having full freedom in elections, as the archbishop nominated its provost and bailies. The burgh had already tried, and almost succeeded, to free itself from this control (exercised by the dukes of Lennox in periods when there was no episcopacy) when it was made a royal burgh earlier in the century.⁹⁶ In 1670, in a hiatus between archbishops, the dean of guild was commissioned to go to London to petition the king for the burgh to have free elections, ‘as also to act and doe all things possible to obtain the right of the bailliarie and barronye of Glasgow, or quhat else may augment the liberties and priviledges of the burgh’.⁹⁷ Essentially, the burgh’s desire was for the archbishop’s jurisdiction to be completely removed. There is no record of any appeal even being made to the

⁹⁵ DCA, Council Book, vi, ff.202v-205v; W. Hay (ed.), *Charters, Writs and Public Documents of the Royal Burgh of Dundee, The Hospital and Johnston’s Bequest: 1292-1880* (Dundee, 1880), 103-10.

⁹⁶ MacDonald, *Burghs*, 95.

⁹⁷ *Glas. Recs.*, 1663-1690, 134.

convention for support in this matter, but this may have been due to the fact that it needed swift action to have the matter represented to the king before an archbishop was in place to oppose its design. The dean of guild was sent to London in May, whereas it would have had to wait until at least July, when the next general convention was held, before a petition could be made, by which time the dean of guild was already on his way back. In the end it did not receive freedom of elections until after the Revolution, in 1690.⁹⁸

Glasgow's case does not suggest the same stubbornness as Dundee seemed to display in avoiding the support that the collective burghs could offer. One other case relating to elections, this time showing more aggression from the landed classes, was resolved with convention support. In 1675 the agent was asked to support Arbroath which was trying to defend against the earl of Panmure whose servants were preventing the town from accessing some of its lands, and also against the earl of Airlie who appears to have been trying to take control of its elections. The former matter was resolved in its favour by the privy council, and the latter seems to have also been resolved as it reported no further problems, though the means of resolution are unclear. In its petition, Arbroath specified that its poor condition meant that it was unable to afford to pursue the action.⁹⁹ This and similar clauses in many appeals from smaller burghs would suggest that money was a factor, if not the sole reason, behind a burgh's decision whether or not to seek the convention's aid. That does not mean that the convention had been reduced to a charity for the smaller burghs – Aberdeen's case against those who attacked its fisheries on the Don indicates that the convention was still willing to support even the larger burghs in cases where their liberties were

⁹⁸ Ibid., 131-4; J. McGrath, 'The medieval and early modern burgh', in T. M. Devine & G. Jackson, *Glasgow, Volume I: Beginnings to 1830* (Manchester, 1995), 57.

⁹⁹ ECA, Moses Bundle 210; RCRBS, iii, 654; RPC, iv, 239-40.

challenged, perhaps because it wished to avoid a precedent being set for other landowners to mount such challenges against other royal burghs.

The convention's jurisdiction in all of these disputes was limited. It could try to enforce legislation, but if a perceived encroachment on a burgh's liberties and privileges was not clearly outside legal boundaries, or if the transgressor would not submit to the convention's ruling, the dispute had to be taken to the court of session or the privy council. Even in its enforcement of laws against individual unfree traders, it could not guarantee effectiveness, and this could explain why Aberdeen went to the privy council in 1662 to seek help against unfree traders, apparently without appealing to the convention for assistance.¹⁰⁰ Yet this is quite surprising as, although in general anyone who was not a burghess or resident in a royal burgh was not technically under its jurisdiction, such cases usually gained the assistance of the convention as they concerned the liberties and privileges of the royal burghs as a whole. Even more surprising is that in 1670 the burghs' agent said that he would assist Aberdeen before the court of session against unfree traders but would not do so on the common account of the burghs, even though the convention gave pensions to advocates to work on the burghs' behalf.¹⁰¹ Why this should be the case is not clear, as cases like this, and those against landlords and unfree burghs, were usually brought before the convention. The majority of disputes regarding a burgh's hinterland involved trade and economic competition from unfree burghs and markets, giving clear evidence that many landlords were active in challenging royal burghs and seeking to establish their own economic centres. Though protecting the burghs' privileges in trade was so evidently the convention's job, this was surely also the case in many of the matters detailed above which went to other bodies. The reason that so many cases continued to be

¹⁰⁰ *RPC*, i, 299-300.

¹⁰¹ *ACL*, v, 9.

brought to the convention was almost certainly that there was a general recognition of the convention's expertise, given that many of the members burghs were facing these problems, in handling them.

While not all other appeals to the convention were fruitful, it seems that if a burgh sought help with a particular case of competition it would not be turned away. Some of this involved helping burghs to resist the foundation of new centres. Stirling in 1678 took its own action in gaining an act of the exchequer 'discharging any burgh of barronie or regalitie within two myles of the said burgh'.¹⁰² Dundee also, as it tended to, acted alone in trying to stop Hatton after it was informed that he had gained a signature for establishing Rottenrow (also known as Hilltown), trying to resolve the matter with him personally. This proved unsuccessful and the burgh was erected with Dundee's attempts to take it in feu also unsuccessful, though it managed to buy it from Graham of Claverhouse fifteen years later.¹⁰³ Nairn gained the assistance of the agent in 1669 against two lairds who were trying to establish a market at Auldearn, with apparent success as the parliamentary records do not record the establishment of a market there in 1669 or during any other sessions. Ayr in 1663 gained the assistance of Aberdeen, Linlithgow, Dundee and Glasgow in appealing to the commissioner against the grant to the earl of Eglinton for erecting the citadel there as a burgh of regality, though with little success judging by Eglinton's parliamentary ratification in 1670.¹⁰⁴

Most actions with which the convention assisted were against burghs and market centres which were clearly already established – whether legally or not – and generally the help would take the form of the legal expertise of the agent, and usually (though

¹⁰² *Stir. Recs.*, 1667-1752, 23.

¹⁰³ DCA, Council Book, vi, ff.44r, 47r, 48r, 117-8r, 213v; Pryde, *Burghs of Scotland*, 74.

¹⁰⁴ RCRBS, iii, 567, 613; RPS, 1670/7/67; Mackenzie, *Memoirs*, 24.

not in the case of Aberdeen in 1670) it would be on the common charge of the convention. For example, in 1669 the agent was ordered to assist Aberdeen and Linlithgow in prosecuting their actions against adjacent burghs of barony for usurping their privileges. In 1684 the agent was called to help Lanark against villages whose inhabitants were trading in restricted commodities to its prejudice. This came on the same day as the convention decided to assist Wigtown against heritors of the shire who were holding markets and damaging its own and who had

pactioned amongst themselves and resolved utterly to destroy the said burgh, and in order thereunto had intended action of reduction of their priviledges which they have upon their expenses defended all the last winter session.¹⁰⁵

Wigtown had clearly been acting alone in the matter initially, but this would almost certainly have been an interim measure to protect the burgh as best it could until the burghs in the general convention could offer their more substantial support.

Aberdeen's action against Kintore and Inverurie, however, did not gain convention support but instead saw those burghs enrolled in 1661, as discussed above, on the same day as Fortrose and Cromarty, despite Inverness's action against those burghs.¹⁰⁶ Some general actions were also supported by the convention, as in 1675 when Glasgow and some other burghs, with support of the agent and advice of Edinburgh and adjacent burghs, were supported in their case against unfree burghs which were taking the 1672 act and claiming more rights than it actually gave them.¹⁰⁷

In a slightly stranger case, it appears to have been an unfree burgh, namely Greenock, which approached the convention. Its residents had already caused problems, with Renfrew and Inveraray in 1660 being ordered to force those they had made burgesses

¹⁰⁵ *RCRBS*, iv, 44-5; *RCRBS*, iii, 608.

¹⁰⁶ *ACL*, iv, 83-5, 92-3; *RCRBS*, iii, 533-4.

¹⁰⁷ *Ibid.*, 657.

to become resident in their burghs, presumably after complaints from other neighbouring burghs.¹⁰⁸ After the 1672 act, however, Greenock seems to have attempted to get involved in trade, and it did so illegally in the view of Glasgow, Dumbarton and Renfrew. These three burghs did not appeal to the convention for help, despite their recognition that the matter was to the prejudice of all the western burghs, and it seems clear that this was because they were able to pursue the case on their own expenses, meeting after they had been pursuing the case in the winter of 1675-6 to settle the accounts together. As well as taking the case to the privy council, having initially seized a ship at Greenock, Glasgow decided to ask the archbishop to act in their favour in London. It seems that after this initial action, Renfrew and Dumbarton withdrew, though it was not until December 1676 that the privy council ruled against Greenock.¹⁰⁹ However, Glasgow still seemed to be encountering problems, for in January 1677 it established a committee to consider action against Greenock, which the following month supplicated the privy council asking not to be prosecuted for its illegal trading but to be allowed to give its bonds and caution not to do so in future, which Glasgow accepted.

A year later, differences still existed as Glasgow again tried to prosecute Greenock, and then in December 1679 Greenock remarkably approached the convention. It submitted an account of the differences between it and Glasgow and a group of burghs was ordered to go to Glasgow to settle the matter.¹¹⁰ As no more is recorded it can be presumed that the differences were indeed settled. Although the three royal burghs had decided not to use the collective resources of the convention, deciding with apparently sound reason that their own resources were sufficient, Greenock clearly recognised the

¹⁰⁸ Ibid., 510.

¹⁰⁹ *Glas. Recs.*, 1663-1690, 203, 208, 228; GCA, Council Minute Book, C1/1/16, 58, 83; WDA, Dumbarton Council Records, 1/1/4, 85, 87, 91, 100, 116.

¹¹⁰ *RCRBS*, iv, 17; *Glas. Recs.*, 1663-1690, 230; GCA, Council Minute Book, C1/1/16, 116, 190.

convention's authority and ability to resolve the dispute with a resolution that would be binding on the royal burghs involved. It was willing to submit to its ruling, even though it was itself not a part of that body. This appears to be the only example in the period of an unfree burgh approaching the convention except in cases where one had been granted a voluntary contribution by the privy council and wanted to ensure it was collected among the burghs, though the slight possibility that others approached it and got no response cannot be entirely discounted. Yet the uniqueness of this example does not remove its interest; even if Greenock was the only non-royal burgh to show such respect for the convention's rulings, it was under no obligation to do so at all.

As many of these examples suggest, the convention's direct involvement in such cases was often fleeting. An appeal would be made to it, some money might be granted and the agent would be assigned to help the burgh in the legal process, then he and the burgh would essentially be left to get on with it. The process for the burgh bringing the case was not so simple, and some cases took a long time to resolve. One of only two items recorded in the minutes of the convention during parliament in 1672 is a complaint in September from the provost of Dumfries that the earl of Nithsdale and his son, the Lord Maxwell, had erected a market near the burgh with no warrant. The convention recognised the threat not only to Dumfries but to the estate – should this set a precedent – and appointed the agent to provide assistance and 'if neid beis to deburse and expend such sums of money as shall be thought requisit'.¹¹¹ The problem had arisen in August when Maxwell had, in name of the act which transmitted some of the royal burghs' privileges to burghs of regality and barony, appointed markets at two places including Bridgend of Dumfries, where he then set up a tron, as well as allegedly offering free customs for a year and ordering his tenants not to use the royal

¹¹¹ *RCRBS*, iii, 632-3.

burgh's markets. Although the case was seemingly decided very quickly in the burgh's favour by the privy council in November, February of the following year saw it continuing to act in the privy council and appealing to the provost of Edinburgh and the burghs' agent to continue in their assistance. By July 1674, Dumfries was still pursuing the case before the court of session and was given a grant by the convention to help it do so. In November 1676, with the case still ongoing, the burgh took matters into its own hands as a bailie took a party of inhabitants to Bridgend to drive any cattle found there to Dumfries to be sold in its own market place. It was not until a year later that the case was finally settled, and for 1,000 merks (£666 13s 4d) and relinquishing their claim to any right at two other weekly markets in the region, Nithsdale gave Dumfries the benefit of the market at Bridgend.¹¹²

The convention's role in this case, as in others, was certainly deeper than its own minutes suggest and must have eased the burden on Dumfries somewhat. It was still an expensive case to pursue. The commissioner's daily allowance while at Edinburgh was £4, while on the occasions later in the case when an assistant commissioner was required, he cost a further 5 merks (£3 6s 8d) per day. The provost's charges at one winter session came to £175 14s, which, with the case lasting five years, would be a significant outlay for the burgh.¹¹³ Though it is not clear how much money the convention was able to grant, it is not likely to have been much, especially compared to the total cost of the case, yet it would have helped and was clearly considered worth applying for.

Linlithgow's dispute with Bo'ness indicates that the convention could do more than just leave a burgh to get on with a case after providing the initial support. The position

¹¹² DAC, Dumfries Town Council Minutes, WA2/4, ff.25v-27r, 31r, 32v, 38r, 43r, 47v, 69v, 101r, 112v.

¹¹³ Ibid., ff.70v-71r, 101r.

of Bo'ness as a potential access for traders from the west of Scotland to the Forth and thus the North Sea may have increased the importance of defending against it, suggesting that some of the royal burghs' problems came from their own merchants – an issue examined below. From the very start it seems clear that the convention recognised that the threat of Bo'ness, some of whose inhabitants were trading illegally to the prejudice of many burghs on the Forth, in particular Linlithgow, could set a precedent for other unfree burghs. While it was Linlithgow which appealed to the convention and was to receive particular help, the resolution was to 'concur with any burgh wronged by unfree traders'.¹¹⁴ This continued to be the understanding of the burghs regarding this action even after the 1672 act extended the legal bounds of Bo'ness and other burghs' trade, as illustrated by Aberdeen's instructions to their commissioner as late as 1680. He was told 'not onlie in this effair bot also in the like to concurr ... for the interest of the royall burrowes ... for ye know what prejudice wee sustaine by Peterhead and Fraserburgh'.¹¹⁵

Bo'ness had been granted the status of head office of the customs precinct of the upper Forth in the customs reorganisation under the English occupation. In 1656 Tucker stated that it, 'next to Leith, hath of late beene the cheife port ... in Scotland', with Dutch merchants using it to avoid the customs at Leith.¹¹⁶ It was clearly flourishing. The dispute with Linlithgow escalated in 1662 when Bo'ness claimed the existence of a signature erecting it as a royal burgh, and Linlithgow protested that they had freedom of trade within the whole sheriffdom. A particular convention, apparently called to discuss only this matter, again recognised that it was of 'werie great importance and of

¹¹⁴ *RCRBS*, iii, 529; J. K. McMillan, 'A study of the Edinburgh burgh community & its economic activities, 1600-80', Edinburgh Ph.D. (1983), 188.

¹¹⁵ *ACL*, vi, 223.

¹¹⁶ T. Tucker, 'Report upon the settlement of the revenues of Excise and Customs in Scotland, AD 1656', *Miscellany of the Scottish Burgh Records Society* (Edinburgh, 1881), 19; Smout, *Scottish Trade*, 138.

generall concernment to the whole burrowis' and agreed to concur with Linlithgow in defending its liberties. Linlithgow was also still attempting to have the customs office moved to its own port of Blackness, for which it gained the promise of the support of the agent and any other burghs present in Edinburgh when the action was brought to the exchequer. Some initial success was reported to the convention in 1665, with an act of the exchequer for merchant goods (anything which only royal burghs were allowed to trade) to be unloaded only at Blackness, while progress was continuing in stopping the erection of Bo'ness as either a royal burgh or a burgh of regality.¹¹⁷

After a period of quiet on the matter, Linlithgow came again to the convention in 1669 seeking its help before council and session as Bo'ness was 'vsurping and incroatching wpon ther priviledges' again. The convention decided to do all it could at the next parliament to get acts to remedy the situation and suppress 'incroachments and invasions' by unfree burghs.¹¹⁸ Despite acts of 1662 and 1678 in favour of Blackness, the erection of Bo'ness, at the duke of Hamilton's request, as a burgh of regality in 1668 and the act of 1672 seem to have ended the action. However, in 1680 Linlithgow accused Bo'ness of trading in commodities that were still the privilege of royal burghs and the convention again agreed to help it before the exchequer, as well as going to the king to get a representation from him to the session, as it was a matter of general concern. Linlithgow also received £600 to help them in the action, though with little apparent success.¹¹⁹

The actions against Bo'ness certainly had mixed results, with Linlithgow's struggles indicating the strength of the Hamilton interest that was against it and its burghal

¹¹⁷ *RCRBS*, iii, 549-50, 572, 577-8.

¹¹⁸ *Ibid.*, 615.

¹¹⁹ *RCRBS*, iv, 19-20; Pryde, *Burghs of Scotland*, 73.

allies, but the less prominent action by Stirling against Kilsyth and particularly Falkirk was a greater indicator of the strength of the landowning interest. The convention in 1671 supported this action and wrote to Lauderdale asking him to appeal to the king to protect the royal burghs' liberties against the unfree burghs, but the case was remitted to parliament and almost exactly a year later many of their privileges were communicated by parliament to the unfree burghs.¹²⁰

Though the convention's actions show that there was a strong sense among the burghs of the need to work together and combine their resources in defence of their privileges, the case of Bo'ness also indicates a deep problem for it. In 1662, all former acts against merchant burgesses having a part in ships or goods with residents of unfree places, threatening them with loss of their freedom and £100 fines, were ratified. The magistrates of all burghs were ordered to cause their burgesses to obey these acts, with specific orders given to seven burghs – Edinburgh, Stirling, Linlithgow, Glasgow, Dunfermline, Culross and Queensferry – whose merchants were partnering with unfreemen of Bo'ness.¹²¹ This does not seem to have made much of a difference. Sir Robert Sibbald in 1698, in considering how Scotland's economy might be improved (with a particular emphasis on shipping and fishing), noted that, while Bo'ness had thirty ships compared to none previously, with some other sea ports doing well, other burghs 'have fewer ships then they has, because the mater of Trade in these places is much failed be what it was'. Seamen were simply moving to where the trade was, and merchants, while retaining their place in their home burghs, seem to have done the same.¹²² Smout has shown that Edinburgh merchants were trading through unfree

¹²⁰ RCRBS, iii, 626, 629; SCA, Council Records, B66/20/5, f.98r; G. Mackenzie, *Pleadings In some remarkable Cases...* (Edinburgh, 1704), 157-73.

¹²¹ RCRBS, iii, 552.

¹²² NLS, Sir Robert Sibbald, 'Discourse anent the Improvements may be made in Scotland for advancing the Wealth of the Kingdom', Adv. MS.33.5.16, 14.

burghs all along the Forth as far as Bo'ness, which was also an important access point to the North Sea and thus northern European markets for merchants from the west, particularly Glasgow, Ayr and Dumfries. These merchants were acting thus 'even though the prosperity of their own towns might be hit by the rivalry of the unfree port they patronised'. Yet though this spread of trade away from the royal burghs may have affected them, Smout suggests that it 'often accompanied an expansion and not a contraction of the activities of the royal burgh merchants'.¹²³ Some of these merchants, with those of Edinburgh and Glasgow particularly active in this way, were also taking trade away from other royal burghs. They were certainly profiting from it: 22.3% of investment in the Darien project in the 1690s came from merchants from Edinburgh and Glasgow. This was less than half of what came from landowners, but was significantly more than merchants from all the other burghs put together, who contributed only 4.9%, part of just 7% from those burghs in total. Unfree burghs could contribute just 1%, indicating that smaller burghs 'were not the ones with money to burn'.¹²⁴

The merchants of smaller burghs simply could not compete. Those in Montrose, a mid-sized burgh, seem to have been forced to act as mere middle-men or agents for merchants from Edinburgh in particular, who were buying grain from local landowners and taking this trade from Montrose's merchants. Smout suggests that merchants in the small or middling burghs 'were becoming more and more content to receive their foreign imports indirectly from the Forth and Clyde'.¹²⁵ This may well be the case, but

¹²³ Smout, *Scottish Trade*, 72, 76-7, 138-9.

¹²⁴ *Ibid.*, 150.

¹²⁵ I. Whyte, "'All Kynds of Graine': the trade in victual circa 1680-1825", in G. Jackson & S. G. E. Lythe, *The Port of Montrose: A History of its harbour, trade and shipping* (Tayport, 1993), 118-9; T. C. Smout, *A History of the Scottish People 1560-1830* (London, 1969), 157.

given that such a situation could affect the revenue of one of those other burghs, it seems unlikely that the burghs themselves were so content.

Conclusion

The relationship between the convention and individual burghs makes it clear that, despite an increasing role for the crown and even parliament, and some decrease in the influence of the convention, the burghs still greatly relied on it, and this cannot be ignored or underplayed. Yet it also displays the problems the burghs were facing. The landowners who promoted unfree burghs and new market centres were posing a threat to the royal burghs and their privileges through these means and in other ways. There does not seem to be much evidence that the inhabitants of these unfree burghs were exercising a great volume of trade. The report into the condition of the royal burghs in 1692, discussed in chapter three, suggests that the trade they did have was largely inland, and not foreign, trade. However, this merely underlines a more subtle problem for the convention in trying to protect the burghs' rights. Not only were the landowners an evident threat, individual merchant burgesses of some of the royal burghs were taking advantage of the act of 1672 and using unfree burghs for their own trade, further undermining the collective and individual position of the royal burghs.

Chapter 2

Edinburgh and the Convention

One of the features of the convention was the dominance of Edinburgh. Neither Mackay nor Pagan in their rather different accounts of the convention particularly consider this issue, and the discussion of it has generally amounted to the recounting of facts such as its allocation of two commissioners compared to the one sent by other burghs. MacDonald is the exception to this rule, giving a whole chapter to ‘Edinburgh: The Capital and Parliament’ in *The Burghs and Parliament in Scotland*, with a specific examination of its role as ‘the convention’s standing committee’.¹ That examination runs only to 1651, and through the Interregnum and into the Restoration period Edinburgh’s dominance remained and seems to have grown in some aspects, as parliament and conventions of estates sat more regularly and the peripatetic nature of general conventions almost disappeared. Paradoxically this was also the period which saw the greatest challenge to Edinburgh’s economic dominance among the burghs as the focus of trade shifted westwards and Glasgow grew rapidly. Yet while there were some challenges to Edinburgh from within the convention these were generally not serious, perhaps due to the level of extra responsibility Edinburgh bore with its dominance. The greatest challenge came from outside, as central interference impacted upon the capital more than any other burgh; given Edinburgh’s position, this would inevitably have some impact on the convention.

Edinburgh’s dominance

Given Edinburgh’s economic position within Scotland, as the largest burgh with the greatest share in foreign trade, its dominance of the body which governed most of

¹ MacDonald, *Burghs*, 109-30.

urban Scotland and regulated that trade does not seem unreasonable. Ian Whyte shows that while urban growth generally ceased after the early seventeenth century, Edinburgh (and Glasgow, which shall be discussed below) continued to grow.

However, he also points out that Scotland is different from England and Ireland in that it 'was not characterised by a single over-large primate city', with the combined populations of the next four largest cities equalling or exceeding Edinburgh's.² It would thus have increased in size in relation to most of its nearest challengers, which in turn might be expected to have strengthened its relative economic position.

However, Whyte and Lynch both suggest that after the Covenanted regime collapsed Edinburgh struggled economically. Its grip on trade at others' expense 'slackened markedly', the burgh suffering a 'spectacular collapse' in the 1650s, which was perhaps a factor behind Glasgow's rise.³ Although Glasgow and Aberdeen have been shown to have recovered well in trade during the 1650s, as discussed in chapter four, it seems that the other west-coast ports and Montrose also raised their share of trade, while even Dundee suffered less than the Edinburgh area.⁴ Yet all this must be set against the economic dominance of Edinburgh before the civil wars. Even though its relative position may have declined, Smout claims that it 'easily' remained the wealthiest town in Scotland and that, by the end of the century, Edinburgh merchants had spread their economic net over many burghs, as discussed in chapter one, seemingly reversing the trend described by Whyte after the 1640s.⁵

This advantage in size and wealth could alone account for much of the burgh's dominance in the convention. But Edinburgh was also the capital of Scotland, where the privy council and the court of session sat (making it the centre of the legal

² Whyte, *Scotland before the Industrial Revolution*, 176, 178.

³ Lynch, 'Introduction', 6-8; Whyte, *Scotland before the Industrial Revolution*, 176.

⁴ McMillan, 'A study of the Edinburgh burgh community', 269-70.

⁵ Smout, *Scottish Trade*, 131, 133-4.

profession), as did parliament and conventions of estates. These would of themselves have brought wealth into the city, with high consumption of luxury goods.⁶ They certainly meant that Edinburgh itself could pursue its own business very efficiently; committees of bailies and councillors were regularly established to give particular advice to its own commissioners during the sitting of parliament, in much the same way as the convention sought to brief the commissioners from the whole estate.⁷ But the presence of these bodies in Edinburgh also meant that the corporation was at the front line for the royal burghs in any political or legal action. Whether as an estate or individually, such action would have to go through the city, and so the corporation as represented in the convention was always likely to lead the line. As MacDonald put it, ‘the burghs saw Edinburgh as their first line of defence, the guardian of their rights and privileges, their watchtower’.⁸

In some ways this Edinburgh-centrism weighed heavily on the burgh. The council considered itself to have certain responsibilities regarding the king’s commissioner and other officers of state when they came to Edinburgh from London, going as far as Berwick in an abortive attempt to meet the commissioner there at the end of 1660.⁹ Such trips were regularly made, with groups of burgesses sometimes required to provide armed guards. In 1663 a committee of three was ordered ‘to goe to Berwicke and meitt his Majesties Commissioner and to salute him in the Touns name with all dewtifull respect as becometh’, while some of the neighbours in the town were to meet them at Musselburgh and ‘convoy them to the Toun in solemne maner’.¹⁰ Similar attention was paid on the commissioner’s departure for London. The council meeting

⁶ Ibid., 132.

⁷ ECA, Edinburgh Council Registers, SL1/1/20, f.218v; Edinburgh Council Registers, SL1/1/21, f.119r; Edinburgh Council Registers, SL1/1/22, f.40r.

⁸ MacDonald, *Burghs*, 117.

⁹ *Edin. Recs.*, 1655-1665, 222-3, 225.

¹⁰ Ibid., 322.

on 31 December 1662 was cancelled as the whole council was ‘convoying his Majesties Commissioner in the entrie of his journey for Londoun’, while in 1678 some ‘honest creditable nighboures’, along with the council, were to be given horses to accompany Lauderdale ‘some mylles af the citie in order to his journey’.¹¹

In 1685 the privy council actually ordered the council to have the militia company ready to welcome the commissioner. The following day the council ordered that each captain have ten men

in good order and equipage with partesans waiteing on the Magistrats at the water gait at the receptione of his maties his Comissioner And appoynts the rest of the traine bands of the Cittie to be in ther armes in best apperill the day of the Incomeing of the Comissioners grace as also appoynts the Baillies of Leith & Cannongate to have ther Companies in radines.¹²

This would have made an impressive display for the commissioner, and unsurprisingly had been seen before at the welcome of James, duke of Albany and York, as commissioner in 1679. Each of the 16 captains was to have 60 men ready, with the rest of the militia companies to be ready to obey the provost’s orders for receiving James. This was considered such a necessity that the captains were to be fined the remarkable sum of 1,000 merks (£666 13s 4d) for failure to obey, and each man 500 merks (£333 6s 8d) for failure to attend. Interestingly the provost had already received specific instructions from the convention to congratulate James on its behalf upon his arrival, indicating that it recognised that Edinburgh’s actions could be used for the good of the burghs more generally.¹³ In 1677, however, the convention decided to send a committee of burgh commissioners to Edinburgh to meet Lauderdale with those from

¹¹ *Edin. Recs.*, 1665-1680, 344; *Edin. Recs.*, 1655-1665, 312.

¹² ECA, Edinburgh Council Registers, SL1/1/31, f.164v.

¹³ *RCRBS*, iv, 15-6.

that burgh, clearly having decided that as good an impression as possible needed to be made on behalf of all the burghs.¹⁴

Feasts were also held at great expense, with one for the commissioner and parliament on the king's birthday in 1661 being funded by a tax of £700 sterling (£8,400) on the inhabitants of the burgh. The actual final cost was slightly lower than this, but was far exceeded by the £14,779 15s 10d spent on a feast for the duke and duchess of York and the nobility in 1680.¹⁵ Members of the administration in Scotland and their servants and hangers-on were often made burgesses of Edinburgh without having to pay the usual dues associated with this. Feasts were usually given on these occasions, and this seems to have happened in most burghs. However, due to the close association with Edinburgh that these figures had, the numbers made burgesses were far greater than seen elsewhere. In 1679 the duke of Buccleuch and Monmouth was made burgess along with 72 attendants, while later the same year James and 117 attendants were made burgesses.¹⁶ Many people in high position, such as officers of state or lords of session, were made burgesses. Charles Maitland of Hatton's appointment in 1675 shows that it did not always follow immediately after their accession to high office, as he had been appointed a lord of session in 1669 and treasurer depute in 1671.¹⁷ But by 1679 it seems to have been accepted by the council that those in high office should also be burgesses, as the lord clerk register and any lords of session not already holding that position were to be made burgesses.¹⁸

¹⁴ Ibid., 5.

¹⁵ *Edin. Recs.*, 1655-1665, 241, 244, 338; *Edin. Recs.*, 1665-1680, 398.

¹⁶ Ibid., 374.

¹⁷ C. Jackson, 'Maitland, Charles, third earl of Lauderdale (c.1620-1691)', *ODNB* [<http://www.oxforddnb.com/view/article/17818>, accessed 10 Feb 2009]; ECA, Edinburgh Council Registers, SL1/1/28, f.131v.

¹⁸ *Edin. Recs.*, 1665-1680, 366.

Edinburgh was of course not the only burgh which made a particular effort to impress and honour important members of the administration. As has been said, the practice of giving away burgesships *gratis* was common, while Glasgow made extensive preparations for a guard of honour when James visited the burgh, spending over £4,000, including nearly £1,600 on gifts for him and his servants when given their burgess tickets.¹⁹ Yet because it had far more opportunity to do so Edinburgh made these efforts far more often. Although it was expensive, it did also accord unique opportunities to display loyalty to the crown and hopefully gain a sympathetic ear for the promotion and protection of the burgh's interests. Given the importance of Edinburgh's position among the royal burghs this could have served the interests of the estate well.

The more regular sitting of parliament and the fact that the administration remained firmly focused in Edinburgh were the major reasons for the severe limitation of the peripatetic nature of the convention after 1660. While particular conventions sat in Edinburgh, the general convention (usually beginning on the second Tuesday in July) had customarily moved from burgh to burgh, spreading the burden of sending the missives and hosting commissioners. More importantly it made access easier for outlying burghs and allowed more burghs the chance to represent their issues strongly to the convention. In the 1650s two out of the six general conventions were held outside of Edinburgh. The first three had all been there during the period of uncertainty over the right of the convention to continue meeting, and once the situation had become clearer it seems that the customary movement was deliberately resumed. However, between 1660 and 1688 Edinburgh hosted all but five of the 33 conventions of all burghs; those which sat during parliament or a convention of estates were not

¹⁹ *Glas. Recs.*, 1663-1690, 302-4.

always officially termed ‘general’ conventions.²⁰ These were all between 1671 and 1674 (except at Aberdeen in 1665) and were held in the other main burghs. One was the abortive convention at Stirling in 1674 which was followed by another full meeting at Edinburgh in August. In some parliamentary years Edinburgh hosted two full conventions. While there were advantages for the convention in meeting in the burgh which was the centre of power, this state of affairs also meant that Edinburgh had much greater opportunities to present its agenda and for this to dominate. This was enhanced by the fact that Edinburgh was the only burgh to have two commissioners at meetings of the convention. Edinburgh’s council also used the traditional right of the host burgh to appoint the moderator of the general convention as a supernumerary member – but stretched this to apply to particular conventions as well. Being in its home town this was not a financial strain for the council. It meant that Edinburgh had three representatives at almost all meetings of the convention in the period, as well as their assessors (assistants and advisors who could also stand in for a commissioner in the event of their inability to attend), and would doubtless use its numerical weight to its advantage. Neither of these matters passed unchallenged, as shall be seen below, but the challenges were fruitless and this increase in Edinburgh’s dominant position was maintained.

Incidentally and predictably this prominent position was also seen in parliament, where Edinburgh was one of the burghs represented on the articles at every session in the period and on almost all committees. This included the committees for taxation at the conventions of estates and those for trade, while the commission for trade established in 1669 had Edinburgh’s provost and three of its bailies, with only four other burgh commissioners. This prominent position was limited in James VII’s parliament, where

²⁰ *RCRBS*, iii-iv, *passim*. This figure includes conventions held during parliament, including those in 1672 and 1673 not properly recorded in the register.

Edinburgh was not on the committee for controverted elections, that in 1685 for discussing the affair between the royal burghs and burghs of barony and regality, or that in 1686 for considering trade and the mint. It is not clear why this should be the case given that both provosts at the time were crown nominees and thus it seems unlikely that James would have a problem with the burgh. Yet despite this anomaly it is clear that its pre-eminent position in the convention extended to the activity of the burghs in parliament.²¹

There are many ways in which Edinburgh's dominance in the convention was worked out in practice, in general administration and in specific action on behalf of the estate or individual burghs, often at the request of these burghs. MacDonald highlights how, before the 1650s, it was used as the 'standing committee' of the convention. It was lobbying the crown (and being consulted by it in burgh matters) through the privy council and almost certainly using its access to legal expertise in actions before the court of session. Its seal was also used to represent the consent of the whole burghs, it kept the records of the convention, had its clerk as the convention's clerk, and was responsible for summoning particular conventions, as well as acting as the burghs' leader within parliament.²²

Gillanders suggests that this influence among the burghs was weakened in the 1650s due to Edinburgh's support for the Engagement, yet it remained prominent.²³ In 1652 it stepped in to prevent the English commissioners discharging the staple port at Veere, and after the 1653 general convention was disbanded a committee of the council was

²¹ *RPS*, 1661/1/13, 1663/6/5, 1665/8/7, 1667/1/6, 1669/10/6, 1669/10/149, 1678/6/16, 1681/7/7, C1681/7/3, C1681/7/23, 1685/4/9, C1685/4/9, C1685/4/37, 1686/4/7; *Edin. Recs.*, 1681-1689, 83-4, 123, 153.

²² MacDonald, *Burghs*, 117-22.

²³ Gillanders, 'The Scottish Burghs', 15.

sent to Lilburne to find out why, successfully gaining his consent for a new meeting.²⁴ In 1654 Edinburgh successfully fought against the threatened imposition of magistrates on the burghs.²⁵ Towards the end of the decade it took action on behalf of the burghs against someone who was posing as a privateer for Sweden and had seized two Dutch ships. When the trial date was changed, thus making it difficult for an appointed committee of burghs to attend, Edinburgh was given chief responsibility to follow the matter through.²⁶ On other occasions, Edinburgh was given a lead role in dealing with particular issues such as the matters of the law regarding debtors and creditors and coal pricing.²⁷ While much of this was done on the request of the convention, some was clearly done on Edinburgh's own initiative. It had a clear willingness to assist other burghs, with its provost and clerk, William Thomson, in London acting on behalf of the burghs, though in the latter case this was on the direct request of the convention and the provost was accused by the council of being self-serving on his return from his second trip in 1658.²⁸ Other burghs seem to have acknowledged the influence of Edinburgh, with Montrose asking it to work with the agent to have some of the burgh's dues suspended.²⁹

This prominence continued throughout the Restoration period. It meant that Edinburgh's dominant role was being put to the advantage of all the burghs, and that such a pre-eminent position bore with it great responsibilities. For example, as its provost was almost always the moderator of any convention, he could sign things on behalf of all of the burghs.³⁰ Edinburgh's position as the largest economic player among the burghs, coupled with this administrative role, meant that it was often called

²⁴ *Stir. Recs.*, 1519-1666, 203; *ACL*, iii, 203; *Edin. Recs.*, 1642-1655, 317-8, 323.

²⁵ *Ibid.*, 346-7, 348.

²⁶ *RCRBS*, iii, 487-8, 490.

²⁷ *Ibid.*, 386-7.

²⁸ *Edin. Recs.*, 1655-1665, 90; *RCRBS*, iii, 364; Gillanders, 'The Scottish Burghs', 292.

²⁹ AA, Montrose Council Book, M1/1/2, 106.

³⁰ *RCRBS*, iii, 666-7; *RCRBS*, iv, 4.

upon to advance sums for the use of the convention. In 1660 it took the initiative and advanced £1000St (£12,000) to William Thomson who had paid the same sum to the king on behalf of the burghs.³¹ In 1682 it advanced various sums due to the clerk and others who had served the convention.³² On other occasions the burgh was in such a financial position that it could not afford simply to advance certain sums, and actually had to borrow to be able to pay. Within a month in 1661 £3,400 was borrowed to pay Lauderdale's pension from the burghs and £300 sterling (£3,600) was borrowed as a particular convention had deemed it essential 'for the necessarie affaires of the Burrowis'.³³ These sums were borrowed on the basis that they would be repaid with each burgh bringing its proportion to the next convention, but as with any loan there was an element of risk for Edinburgh. Its administrative duties did come at a cost but meant that it could maintain its dominance.

One of Edinburgh's duties and privileges was in calling conventions. As shall be discussed more fully in chapter four, during the 1650s it regularly had to approach the English authorities to gain permission for the convention to meet. It was given direct responsibility by Monck for calling a general convention in 1657, which it did with the advice of 24 burghs it summoned for the purpose.³⁴ More commonly this was at the specific order of the convention, when it was known that an issue would need to be discussed before the next general convention. Thus, in 1660 Edinburgh was empowered to call a particular convention of as many burghs 'as can convenientlie be had' when William Thomson returned from London; in 1679 it was to call one on receipt of a letter from Lauderdale about the conservator; while in 1683 the provost was to call one on the 50 sous French tax, and any other 'emergent and important

³¹ *Edin. Recs.*, 1655-1665, 201.

³² *Ibid.*, 35.

³³ ECA, Edinburgh Council Registers, SL1/1/21, ff.54r, 69r.

³⁴ *RCRBS*, iii, 395-6.

affaire', whenever he saw fit.³⁵ While this did ensure that these matters could be dealt with at the most opportune time, it also gave Edinburgh considerable power in ensuring that things were done when it suited it. It certainly made sure that it was very clear, in a missive in 1676, that it was simply following the convention's instructions in calling a meeting about the French tax at that particular time.³⁶

However, the convention also gave Edinburgh the right to call burghs on the off-chance that anything of import arose, thus giving it power to determine not only when particular conventions should be held but also what should be discussed there. In 1668 the provost was empowered to call up to 23 of the burghs closest to Edinburgh on any business which emerged, and this became a common, though not constant, entry in the minutes of the general convention in the late 1670s and early 1680s.³⁷ Though it was the provost as moderator of the general convention who was given the right of calling a particular convention, he did consult the burgh council and it ultimately made the decision.³⁸ Although this right gave Edinburgh a lot of power in relation to determining the timing and agenda of conventions, it is clear that the calls made were indeed responses to situations affecting all of the burghs. The first in the period resulted from complaints from magistrates of other burghs about the conduct of the excise collectors, and shows that Edinburgh was not merely working to its own agenda but was listening to and acting on the concerns of other burghs.³⁹ This was seen again in 1680 when Linlithgow's provost informed the council 'that he hes a matter of importance to communicat wherin the state of the Royall Borrowes stands concerned' and, with Edinburgh's own provost having some issues to take to the burghs, a

³⁵ Ibid., 518; *RCRBS*, iv, 18, 39-40.

³⁶ *ACL*, vi, 56-7.

³⁷ *RCRBS*, iii, 606; *RCRBS*, iv, 2, 11, 23, 26.

³⁸ *Edin. Recs.*, 1681-1689, 244.

³⁹ *Edin. Recs.*, 1655-1665, 255.

particular convention was called; at the beginning of the period Linlithgow had prompted another particular convention over an alleged patent of erection for Bo'ness.⁴⁰ A number of particular conventions were called when matters emerged relating to the staple port and conservatorship, the French tax or other matters relating to trade.⁴¹ Conventions were also called before the sitting of parliaments and conventions of estates, Edinburgh being specifically told in 1662 to call the burghs to meet two days before parliament to ensure uniformity within the estate. It did this regularly and occasionally dates were also changed, the general convention being moved forward in 1678 and back in 1681 to coincide with the sitting of these bodies.⁴² While Edinburgh had a great deal of influence along with its duties, there is little in the calling of conventions to suggest that it was used in any partisan way.

Sending the missive for conventions was the responsibility of the host burgh. Given the large numbers of particular conventions in the period, with almost all general conventions also held in Edinburgh, the capital wielded a great deal of influence in this matter. Most of the articles in the missive were decided upon by the previous convention, with a committee including Edinburgh set up in the general convention in 1673 specifically to draw it up, but other items could be added. In 1672 a committee was appointed by Edinburgh to 'Consider what is fitt to be insert as heads of the missive to be direct to the Respective burrowes anent the generall Conventione of burrowes'.⁴³ The council was able to alter the missive when it saw fit, adding the issue of the French tax in 1681 and a postscript in 1684 calling for the commissioners to come instructed on seeking the restoration of the summer sitting of the court of

⁴⁰ *Edin. Recs.*, 1665-1680, 394; *Edin. Recs.*, 1655-1665, 275.

⁴¹ *Ibid.*, 263-4, 347; *Edin. Recs.*, 1665-1680, 222, 284, 335; ECA, Edinburgh Council Registers, SL1/1/21, f.36r.

⁴² *RCRBS*, iii, 554; *ACL*, iv, 248-9; *DCA*, Council Book, vi, f187r; *PKA*, B59/27/7; *Edin. Recs.*, 1665-1680, 339-40; *Edin. Recs.*, 1681-1689, 19.

⁴³ ECA, Edinburgh Council Registers, SL1/1/27, f.65v.

cession.⁴⁴ And as Edinburgh's clerk was also clerk to the convention, the burgh could also have a say in what went into the missive on the few occasions when the convention was held in other burghs. In 1673 Perth appointed a clerk 'to duble als maney lettres as will be necesare for sending to the othr burrowes conforme to the patron [i.e. pattern] sent by the clerk to ther meetings'.⁴⁵ Edinburgh was thus able to have a hand in all of the major administration of the convention. Although there are examples of the burgh using this to its own advantage, such as instructing the commissioner sent by the convention to transact the capital's business at court, there is no reason to assume that it was acting against the interests of the burghs.

The burgh also had a hand in many of the committees established by the convention, another indication of its dominance and influence. When a committee was sent to visit a burgh which had appealed to the convention either for financial support or help in resolving a dispute, the neighbouring burghs were often chosen to visit. Edinburgh thus does not feature heavily on such committees except when they were to relatively local burghs or in particularly important or long-running cases, such as Lanark's election of a 'disaffectit' commissioner in 1660, the long-running dispute between Montrose's merchants and crafts in 1661 or Glasgow's appeal for aid in 1688. Four commissioners were sent by Edinburgh to meet with other burghs to resolve a dispute in Perth.⁴⁶

When a committee was appointed to act on a major national issue, a commissioner from Edinburgh was included almost without exception. It was one of the three burghs sent to meet with Monck at Berwick in December 1659, a crucial meeting for ensuring

⁴⁴ *Edin. Recs.*, 1681-1689, 11, 110.

⁴⁵ PKA, Perth Town Council, B59/16/5, f.31r.

⁴⁶ *Edin. Recs.*, 1655-1665, 93, 221, 290; ECA, Edinburgh Council Registers, SL1/1/32, f.207r; *RCRBS*, iii, 525-6, 537-9; *RCRBS*, iv, 77-8.

that the burghs' commitment to keeping the peace was made known and that they were viewed favourably in the settlement of the government.⁴⁷ Committees regularly met during conventions either to decide how to proceed in a matter or to prepare addresses to the king, the burghs' agent at court, the privy council, exchequer or treasury on matters relating to the staple port, the French tax or other issues in which the burghs felt the need to represent their grievances.⁴⁸ On two occasions, the general convention in 1660 and that which sat during parliament the following year, a committee was established simply to receive certain papers which were presented and thus prevent all the burghs from having to consider everything without it being filtered – again, Edinburgh sat on these committees.⁴⁹ Even when it was not named on a committee discussing significant affairs, it was not always unrepresented. In 1661 a committee was established to consider how to promote trade, and although not one of the Edinburgh commissioners was on it, it was instructed to consult with Edinburgh merchants and advocates.⁵⁰ Again, in 1676 not one of its commissioners was on a committee to resolve a major dispute in Inverness, although its clerk was appointed, while in 1681 it was not represented on a committee established to present the burghs' opposition to a monopoly on salt before the articles; but of course, Edinburgh was already represented on the articles and Aberdeen was the only burgh represented on both committees. The convention certainly ensured that a dominant Edinburgh would be a busy Edinburgh, and its expertise and influence were put to good use and perpetuated through these means.

One of the reasons for Edinburgh's extensive role in convention administration, and another means by which its dominance was exercised, was in the use of its own clerk

⁴⁷ *Edin. Recs.*, 1655-1665, 177-9.

⁴⁸ *RCRBS*, iii, 441-2, 528-9, 563, 567-8, 584, 599, 600-1, 615, 626; *RCRBS*, iv, 3, 16, 23, 28, 31, 68.

⁴⁹ *RCRBS*, iii, 509, 532.

⁵⁰ *Ibid.*, 535.

as clerk of the convention. Thomson in the 1650s and in 1660, as seen in chapter four, showed that the convention was willing to use its clerk to do more than prepare the missives and keep the register. He acted as its agent in London, and was given such important roles as speaking to the two rival claimants for the position of conservator in July 1660, to find out whose claim of right to the job was valid.⁵¹ He was deposed as clerk of Edinburgh in August 1664 after failing to get the signature of those taking the tack of an imposition, leaving the burgh with no security for a two-year tack duty of 80,000 merks (£53,333 6s 8d) *per annum*. No new clerk was officially appointed until Thomas Young in December 1665.⁵² Interestingly Thomson remained clerk of the convention until the general convention of 1666, when he was deposed having ‘deserted his charge by absenting himselfe and withdrawing his service att this tyme without any lafull cause made knoun to the convention’ and for the mysterious ‘sundrie vther weightie causes’; Young was appointed in his place.⁵³ It seems likely that the other burghs in the convention were willing to retain Thomson after his deposition in 1664 due to his good service, though the lack of an alternative clerk in Edinburgh itself presented them with little option. The 1666 general convention was the first since the appointment of Young, so as soon as they could, Edinburgh made sure that its current clerk was once again clerk of the convention – and Thomson’s failure even to turn up would suggest that he knew that his time as clerk was over.

When Edinburgh again changed its clerk after Young’s death in 1668, electing William Ramsay, son of the provost Sir Andrew Ramsay, and an advocate James Rocheid as conjunct clerk, the convention followed suit in the usual manner. Ramsay was considered too young to hold the office in the burgh alone and was clearly the

⁵¹ *RCRBS*, iii, 509-10.

⁵² *Edin. Recs.*, 1655-1665, 355-6; *Edin. Recs.*, 1665-1680, 1.

⁵³ *RCRBS*, iii, 587-8.

beneficiary of his father's position. It does seem to be unusual that someone would be put into the position on the understanding that he would not actually do the job until he was a bit older (aged twenty-four, which was not until 1673), and it seems clear that his father wanted him to benefit more from the salary than the experience of following Rocheid. Bearing this in mind, it is understandable that the convention chose to appoint Rocheid, not Ramsay, as its clerk.⁵⁴ Thus one member of Edinburgh's council, the crown-favoured Sir Andrew Ramsay, was prevented from gaining too much influence, while the burgh retained its traditional privilege.

Rocheid twice fell foul of crown-favoured provosts and was removed. Sir Andrew Ramsay in 1673 obtained a crown order to that effect, until his own fall from grace the same year, which seems to have put paid to his son's enjoyment of the position. Sir George Drummond, who had been recommended as provost by the king in 1683, removed Rocheid between 1684 and 1686 appointed his own son as conjunct clerk in his place.⁵⁵ On both occasions Rocheid returned to office and he appears to have become a very significant figure and taken on a similar role in relation to both convention and capital in the 1680s as Thomson had in the 1650s and early 1660s. In March 1680 the burgh decided that it was 'expedient and fitt at this tyme to petition his Majestie for such things as may advance the Comon good and interest of this city, And having experience of the faithfulness and care of [Rocheid] ... and of his knowledge in the Comon affaires of the good toun', it appointed him commissioner to London to petition Lauderdale and seek his help and advice in petitioning the king.⁵⁶ This was all very well for the burgh as it had an experienced and knowledgeable man with legal training representing its affairs at court, but it presented a potential problem for the

⁵⁴ *Edin. Recs.*, 1665-1680, 46, 81, 160; *RCRBS*, iii, 609, 611.

⁵⁵ *Edin. Recs.*, 1665-1680, 152; *Edin. Recs.*, 1681-1689, 81-3, 130-2, 162-6; *RCRBS*, iv, 50, 65.

⁵⁶ *Edin. Recs.*, 1665-1680, 395.

convention which had lost the same man as its clerk – as he was writing letters from London at the end of July, it was without its clerk for one particular convention and the general convention in July.⁵⁷

In March 1686, very soon after being restored as burgh clerk, Rocheid was again sent south due to the many ‘pressing and important affairs to be done at Court before the down sitting of the ensewing session of parliament’.⁵⁸ He was there again in June 1687 and finally made his report before the council in September.⁵⁹ With such long absences, the convention could have been greatly disadvantaged but it recognised the possibilities that his presence in London afforded. Just over a month after his departure in 1686, he was asked in a letter to ‘continow in his dilligence and caire of the royall borrowes concernes and frequently put the lord secretary of stait in mynd of the same’.⁶⁰ He had not yet been restored as clerk to the convention and, for his previous good service both as clerk and since his removal from that office, he was reappointed in the general convention that year despite his apparent absence (not accepting the office until the following year, though this may have been done by proxy).⁶¹ Given his long absences, it is somewhat surprising that it was not until 1688 with Rocheid present that, at his request, the conjunct clerk of Edinburgh Aeneas McLeod was also appointed conjunct clerk of the convention. It is unclear how the convention operated in Rocheid’s absence, but two things are evident: Edinburgh’s dominance was such that it could control the convention’s clerk with little input from the rest of the burghs, depriving him of office or them of his services; but the convention was also able to use

⁵⁷ Ibid., 404-5.

⁵⁸ *Edin. Recs.*, 1681-1689, 170.

⁵⁹ Ibid., 206-7, 220; *RCRBS*, iv, 69.

⁶⁰ Ibid., 61.

⁶¹ Ibid., 65, 69.

him, although sent solely by Edinburgh, to its advantage at court. Edinburgh was pre-eminent but this was by no means entirely prejudicial to all the burghs.

As well as the convention making use of those, like Rocheid, sent by Edinburgh to court, it also sent at least one representative of Edinburgh as its own commissioner. In July 1688 Magnus Prince, the crown-appointed provost, went to London to congratulate the king on the birth of his son and take a letter which assured James that the burghs would be loyal as he had made ‘our interest your owne’, a show of loyalty despite the king’s Catholicism which was almost certainly aimed at securing his favour towards burgh interests.⁶² Prince’s report to a particular convention in November shows that he had also negotiated a number of other affairs relating to the estate – presumably those agreed by the commissioners from nine burghs appointed in July to ‘draw wp such privat instructions as is necessar to be moved at court for the weel of the burghs’.⁶³ The fact that the convention sent Edinburgh’s provost is a further indication of its pre-eminence, and that this was partly due to its influence and that of its provost and, particularly when the crown had actually appointed him, the closeness of the provost to the crown. But if this was a result of its dominance in the convention, it may also have served to further it. Three days after being commissioned by the convention, Prince received instructions from his own council to represent its affairs. The council do not seem to have attempted to abuse the system by pursuing its own business at the convention’s expense, but it did present an opportunity to ensure that the interests of Edinburgh were given as good a hearing as those of the estate, potentially increasing its favour before the crown and the benefit gained from it in relation to the other burghs who were only represented collectively.⁶⁴

⁶² *RCRBS*, iv, 74-5; *Edin. Recs.*, 1681-1689, 225.

⁶³ *RCRBS*, iv, 80, 81-3.

⁶⁴ *Edin. Recs.*, 1681-1689, 236-7, 242-4.

The role of Edinburgh's council as the standing committee of the convention meant that, as well as being prominent in working with other burghs on committees established by the convention, it also worked alone on behalf of and in the name of the rest of the estate. One key role in this respect was as a correspondent both from and to the burghs. The convention would often ask it, or at least its provost, to keep correspondence with certain persons, either on specific occasions or to get regular information from agents. Thus in 1660, when Lauderdale was appointed as the burghs' agent at court, Edinburgh was given the task of keeping him informed of what particular matters had arisen and, by inference, receiving correspondence from him regarding such matters. This instruction was repeated in 1664 with a particular emphasis on the issue of trade and navigation.⁶⁵ The provost was later called on to write to James VII's secretaries of state, who also acted as agents.⁶⁶ Edinburgh was often asked to send letters or treat directly with other influential figures, such as officers of state or the privy council.⁶⁷ By the 1680s these instructions were generally directed exclusively to the provost, though he was often given very specific directions which would have negated the need for the burgh council to advise or oversee him.⁶⁸ His position in relation to the crown meant that he was a suitably influential figure to fulfil this task, presumably on the assumption that his good standing would give a good impression of the burghs generally. This status seems to have been widely recognised, with the conservator writing directly to him as seen below, while he was also asked to write to the magistrates of Veere concerning the protection of the staple port in 1683.⁶⁹

⁶⁵ *RCRBS*, iii, 526, 574-5.

⁶⁶ *RCRBS*, iv, 41, 71, 87.

⁶⁷ *RCRBS*, iii, 547-8, 577.

⁶⁸ *RCRBS*, iv, 25, 31.

⁶⁹ *Ibid.*, 37-8.

Effective communication of course requires a two-way flow of information and, as well as calling particular conventions when necessary, Edinburgh wrote to the burghs to communicate information it had received. When the council of state in 1658 and 1659 produced acts concerning salt, Edinburgh's council ordered its clerk to get some copies of the act and send them to 'the principall burrowis therin concerned'.⁷⁰ In 1664 a letter to Lauderdale asked him, if anything concerning the burghs came to his attention, to tell the provost of Edinburgh specifically to communicate it to the rest of the burghs. Whether or not this indicates a concern that this might not happen without specific instruction is not clear, though in 1661 Edinburgh had communicated to the burghs a parliamentary decision for the raising of £12,000 sterling (£144,000) towards the payment of the lords of session's salaries, displaying some aptitude in conveying information to the estate.⁷¹

If non-burghal correspondents wished to bring a matter to the attention of the convention, they would also send it to Edinburgh. In 1663, the conservator wrote to the provost concerning the proposed move of the staple port from Veere to Rotterdam, and after the letter was produced to the council, a particular convention was called. Later that year Thomson directed a letter from Lauderdale to the council, concerning Lauderdale's 'great willingnes to serve the Royall borrowes and especiallie the guid towne of Edinburgh', and requesting Scots charters regarding trade with France and England to be sent to help him pursue the burghs' interests.⁷² The following year a supplication was produced at another particular convention by one of Edinburgh's commissioners, having been sent there by Scots merchants and factors in France

⁷⁰ *Edin. Recs.*, 1655-1665, 112, 157.

⁷¹ *RCRBS*, iii, 570; *ECA*, Edinburgh Council Registers, SL1/1/21, f.2v.

⁷² *Edin. Recs.*, 1655-1665, 316, 318, 333.

asking for the convention's help in defending them against the French tax.⁷³ As well as Edinburgh being the main trading centre – and the subject of Lauderdale's favour, perhaps because it had just bought the citadel of Leith from him – it seems that it was widely recognised, if never officially appointed, as the standing committee of the convention from outside as well as inside.⁷⁴

The burgh also took a leading role in action concerning matters of policy or legal affairs which affected the estate, both of its own accord and at the behest of the convention. It was asked to find and extract papers relating to particular issues, such as the fishing trade in 1660, for consideration by the convention and representation to Parliament, and the French tax in 1687 (at the behest of the privy council).⁷⁵ In 1661 the provost, with the later approval of the convention, dissented in the name of all the burghs from an act passed in parliament in favour of the justices of the peace, which was feared might affect the privileges of the royal burghs. In 1663 it led the representation to the commissioner, Rothes, against the requirement placed on skippers and their passengers to take oaths that they were not trafficking money; the delegation of Ramsay, Thomson and Wedderburn, clerk of Dundee, was successful as Rothes asked the convention to draw up an act requiring burghs to be strict against such trafficking. In 1673 the convention appointed Edinburgh and the agent to assist the maltmen in opposing any new gifts sought against their privileges, again using its influence and legal expertise to pursue the interests of the whole estate.⁷⁶

In 1672 the convention's agent informed the council that a gift of a monopoly on tobacco had been granted by the king to a laird. In the valid fear that 'it maks both a

⁷³ *RCRBS*, iii, 569.

⁷⁴ *Edin. Recs.*, 1655-1665, 328, 329.

⁷⁵ *RCRBS*, iii, 523; *Edin. Recs.*, 1681-1689, 224.

⁷⁶ *RCRBS*, iii, 543, 565, 635.

bad preparative for laying on impositions upon uther imported commodities and that it wald tend to the uther rowine of the trad of tobacco not only in this place bot als in the wholl kingdome', several burghs had engaged advocates to attempt to prevent the passing of the gift through the exchequer 'and therfor craved that the Councell wald countenance the said propositione and grant ther concurrence therto'.⁷⁷ One of Edinburgh's bailies and its clerk were then appointed to assist the town's advocates in trying to prevent the passing of the gift. This action seems to have failed, with gifts on tobacco, salt and brandy being a key grievance against Lauderdale in 1673 when they were removed under pressure from members of all estates. Yet it may have been a factor in an act of a particular convention in 1675 which ordained that Edinburgh, with the agent, should prevent any gift presented to the exchequer in favour of any person for a monopoly or any other gift prejudicial to the burghs. This act remained throughout the period, appearing in the general missive each year and also in the instructions given by burghs to their commissioners.⁷⁸

One matter in which Edinburgh took the initiative was the campaign for the restoration of the summer sitting of the court of session, which had been removed by parliament in 1681.⁷⁹ In April 1684 it added this to the general missive, asking each burgh to

send your Comissioner sufficiently instructed to concure and assist with them in representing to authority the meny and almost innumerable inconveniencyes That the wholl Kingdome especially the royall borrowes and particularly this Cittie lyes under for want of the sumer sessione which hinders the circulatione of trade and causes a deadnes of trafficque through all the corners of the

⁷⁷ *Edin. Recs.*, 1665-1680, 114-5.

⁷⁸ *RCRBS*, iii, 645-6; *ACA*, Letter Books 8/1 (Incoming), vii, letters 17, 52, 96; Press 18/81, 23 June 1683; *DCA*, Minutes of the Guild Court, GD/GRW/G1/1, 28 June 1687; *NAS*, Peebles Charters, B58/18/132.

⁷⁹ *RPS*, 1681/7/30.

Natione dureing the most and best pairt of the year And that some effectual course may be taken for geting the samyn restored.⁸⁰

This was clearly a matter of great importance to Edinburgh itself, perhaps partly because of the trade lost with the absence of the court, and in this sense it is not surprising that Edinburgh took the initiative, but it was also recognised as a matter affecting the burghs as a whole. Before the general convention had had a chance to discuss it the burgh had written to the officers of state on the matter, pre-empting to a degree the decision of the convention that Edinburgh's provost and commissioners, with any other commissioners 'as can conveniently be had', should represent it to any authority with power to redress the situation.⁸¹ Over the next three years the issue appears regularly in the council minutes, with a committee appointed and appeals made to the lords of the articles in 1685 and the whole of parliament in 1686. These efforts were successful and on 26 May 1686 the 'Act appoynting the dyets of the session', which would come into effect the following November and stated that the court of session would sit from 1 June to 31 July, was passed.⁸² It is not clear why, but despite sending a letter to the king the same day thanking him for the passing of this act, Rocheid was evidently asked the following year, when going to court, to ensure that it was actually restored, and he was able to report success.⁸³

While this action was undertaken in both its own interests and those of the convention, Edinburgh put both the effort and the finance into it. Just before the passing of the act restoring the summer session, the treasurer was appointed to pay out any sums the provost or bailies ordered on that account, as the action would 'inevitably coast money

⁸⁰ *Edin. Recs.*, 1681-1689, 110.

⁸¹ *Ibid.*, 113-4; *RCRBS*, iv, 47.

⁸² *Edin. Recs.*, 1681-1689, 139, 175; ECA, Edinburgh Council Registers, SL1/1/31, f.180r; *RPS*, 1686/4/21.

⁸³ *Edin. Recs.*, 1681-1689, 176, 206-7.

to severall persones'.⁸⁴ The sums that were paid were not small. The lord clerk register, viscount Tarbat (who was 'addicted to the intrigues of political life' and was thus perhaps easily persuaded to support a cause), was given £2,460 as a gratification for his help in the matter.⁸⁵ This is insignificant compared to the £10,000 given to secretary of state Melfort for 'so good and proffitable service done to the good Town', with the provost wishing to ensure that those who had aided its cause would have no reason to complain of Edinburgh's ingratitude.⁸⁶ Undoubtedly such generosity would have placed it in a good position should it need their help in future, but given that this was a matter of concern to all of the burghs it again indicates Edinburgh's importance to the convention, and may well have helped it should Edinburgh represent it before these figures again.

Individual burghs as well as the convention of course recognised the value of Edinburgh's dominant position, its geographical position at the centre of power and its influence. The convention did ask Edinburgh to act on individual burghs' behalf in a number of the disputes detailed in chapter one, such as in 1664 when it asked its magistrates with the agent to help Rothesay in the dispute with the sheriff of Bute. A similar case was also referred to Edinburgh, and any other burghs present at the time the case was brought, when the convention agreed to Elgin's request for help in prosecuting some gentlemen who had attacked its tolbooth. Again in 1668 Edinburgh and any other burghs present were asked to assist Selkirk in its action against a laird who was encroaching on its common good. Individual burghs also approached it directly for assistance. As seen above, Linlithgow's provost twice came to Edinburgh when he had an important matter to discuss, both times leading to particular

⁸⁴ Ibid., 176.

⁸⁵ Ibid., 213 and *n*; C. Kidd, 'Mackenzie, George, first earl of Cromarty (1630–1714)', *ODNB* [<http://www.oxforddnb.com/view/article/17580>, accessed 16 Feb 2009].

⁸⁶ *Edin. Recs.*, 1681–1689, 226–7 and *n*.

conventions being called. Dumfries wrote thanking Edinburgh's provost for helping to procure the act of convention supporting its action against Nithsdale and Maxwell. Dundee sought its help in 1669, along with that of some other burghs, in supporting its petition for redress for the town's losses. Inverness also approached it directly when the laird of Culloden 'suspendit the said Brugh agains his payment of any stent for his land there within brugh', and a committee was appointed to assist Inverness's commissioners in the case.⁸⁷ Edinburgh was thus providing its legal expertise and influence and ensuring that burghs were not prejudiced by having to act alone.

Financial issues were also brought to Edinburgh's attention for assistance, such as Aberdeen's unsuccessful attempts for its proportion of the tax roll not to be raised in 1670, to which end its commissioner spoke with the provost and some other commissioners.⁸⁸ St Andrews made a particular point of seeking its financial assistance for repairs to its harbour in the late 1650s and, although it also went to Glasgow and others, great effort was expended in getting Edinburgh's help. It was not particularly generous in this case or in the voluntary contribution for Dundee in 1672, giving barely more than Glasgow in either case or Aberdeen in the latter, while compared to its proportion of tax its contributions were paltry.⁸⁹ Yet the very fact that it gave to these appeals, and paid a far higher proportion of the burghs' tax and missive dues than any other burgh (even allowing for the increase in Glasgow's proportion), again indicates the reliance of the other burghs on Edinburgh; the more it was able to pay, the more money was available for individual burghs' projects and the less the rest of them had to pay in tax and dues to the convention.

⁸⁷ *Edin. Recs.*, 1655-1665, 275, 343; *Edin. Recs.*, 1665-1680, 394; DCA, Dundee Council Book, vi, f.5r; DAC, Dumfries Town Council Minutes, WA2/4, f.38r.

⁸⁸ *ACL*, v, 16.

⁸⁹ SAUA, St Andrews Council Minutes, B65/11/1, 10, 11, 16, 21, 29, 31; DCA, Dundee Council Book, vi, ff.40v-41r.

These appeals for support were actually encouraged by Edinburgh. In a missive for a particular convention in 1661 regarding the election of a new conservator, the commissioners were to come instructed on this issue and

any thing els relateing to the estaitt of burrowes or your awin particular burg
since about that time the publict iudicatories will be sitting and yow may
assuredlie expect from us all the assistance quhich we ar able to performe.⁹⁰

Though giving such help would have incurred expense for Edinburgh, it does indicate again that it was willing to use its position for the benefit of the burghs in general and in particular cases. The other burghs, for their part, were happy to take advantage of Edinburgh's position and relied on its wealth and expertise, using its dominance to their advantage when they could. For Edinburgh, giving its assistance may also have served to maintain the sense that it was the dominant partner in the convention, one without which the other burghs could not operate quite so well.

Inevitably, Edinburgh also used its position for its own gain, and indeed it would be astonishing if it did not. In the 1650s it demanded that the customs exacted in each burgh should be recorded in a table that conformed to the one used in Edinburgh, and that its merchants should not be charged more than any others. Complaints from its merchants arose a few times in the decade and were dealt with by the convention, presumably because of the great importance of Edinburgh to the country's trade.⁹¹ It also used Lauderdale and the convention's other agents at court for its own ends. In 1654 it went beyond this, asking William Thomson, who had been chosen as commissioner to parliament by the East Lothian and border burghs, to 'assist and informe the Touns commissioners at all occasiouns' effectively giving it three

⁹⁰ *ACL*, iv, 149-50.

⁹¹ *RCRBS*, iii, 384-5, 390, 396, 410-1, 472.

commissioners.⁹² It has been seen above that Lauderdale expressed his concern for the interests of Edinburgh over and above those of the burghs as a whole, even though it was the convention that employed him as agent. This close relationship continued throughout the period, and in 1679 and 1680 the burgh thanked him for his ‘continowed caire of the generall concerns of this city’ and sought his concurrence in making appeals to the king.⁹³ The main issue at that time was Edinburgh’s desire for a new imposition on ale, which it gained thanks to Lauderdale’s help in negotiating with the gentlemen of the shire and lords of session, who were concerned that such an imposition would have a detrimental impact on them. For his assistance, he was controversially given the very large gratuity of £6,000 sterling (£72,000), the same sum paid for Leith citadel, though there is no clear connection.⁹⁴ The burgh’s influence was also used in 1661 in delaying the meeting of the commissioners of parliament for commerce, so that its merchants and crafts could meet and ‘debeatt and compose their awen differences’ and try to find a resolution without these differences being made public.⁹⁵ No consideration was made of whether or not any other burghs might benefit from the earlier meeting of the commissioners, as avoiding any embarrassment was the prime concern of the council.

Neither of these cases, while demonstrating Edinburgh’s use of its influence for its own ends, obviously impinged on the other burghs, though the possibility is there that in allowing Edinburgh to pursue its own ends both the committee of parliament and Lauderdale were distracted from helping the convention or other burghs. However in at least two cases Edinburgh acted in a way that may well have directly prejudiced other

⁹² *Edin. Recs.*, 1642-1655, 343-4.

⁹³ *Edin. Recs.*, 1665-1680, 380, 381, 395.

⁹⁴ *Ibid.*, 404-5, 411; Anon, *Some particular Matter of Fact, relating to the Administration of Affairs in Scotland Under the Duke of Lauderdale...* (London?, 1679), 4.

⁹⁵ *Edin. Recs.*, 1655-1665, 229-30.

burghs, and certainly used its position to ensure that things were done its way. One of these cases related to the payment of pensions from the convention to various people including lawyers and the secretary of state. In 1685, after a consideration of the ‘manie heavie and insupportable burdens’ on the burghs which were apparently leading some to near-ruin, it was decided that all pensions except those to the clerk, agent and the servants who attended the general and particular conventions should be rescinded. Any ‘persons in publick trust, lawers and others’ to be employed by the convention would be gratified ‘according to their qualetie and pains’, and paid only for particular cases they dealt with.⁹⁶ This does not seem an unreasonable decision, given the fact that many burghs were struggling financially and thus less able to pay their share of the convention’s expense, but it was passed only with protests from Edinburgh’s commissioners against the removal of pensions to the secretary of state and lord advocate. A marginal note in the scroll minutes states that the insertion of this protest was forbidden by the clerks, but the register does record that the assessor to the merchant commissioner and the craft commissioner both protested.⁹⁷ In the following general convention in 1686, Edinburgh got its way and the secretaries of state had their pensions restored, with MacKenzie, the lord advocate, receiving his again in 1688. It may well have been in the convention’s interest to be giving these pensions, as it was noted that the secretaries of state had performed good services to the burghs, which services might have been required in future, while MacKenzie’s services were necessary ‘to maintain the trew interest of the royall borrows and to advyse them in all affaires of law and other difficult caises’.⁹⁸ Yet the incident does show that Edinburgh was able to have its way in the face of contrary opinions among the majority of the

⁹⁶ *RCRBS*, iv, 56.

⁹⁷ *Ibid.*, 56; ECA, Moses Bundle 211 Part 1, Scroll minutes of general convention, July 1685.

⁹⁸ *RCRBS*, iv, 67, 74.

burghs, even when those contrary opinions were based on such grounds as financial necessity.

The other case concerned the staple port. In 1671 the convention decided to write to Lauderdale communicating grievances against Dordrecht, which was then the staple port, and complaining of the prejudice the burghs suffered by its settlement there. It decided to work with him and the conservator to have it moved, with two obvious alternatives: Veere, from where the staple had been moved only in 1669; and Rotterdam, with which town some merchants were illegally trading throughout the period, and to which town some burghs seem to have wanted to move the staple port both in the 1670s and in 1684, when the convention sought favourable terms for such a move.⁹⁹ Perhaps due to the pressing issues of the 1672 act in favour of burghs of barony and regality and the opposition to Lauderdale in 1673, it was not until July 1674 that the convention consulted with the conservator concerning the proposed move, and a year later it was decided that it would be returned to Veere.¹⁰⁰ Within this whole process there seems to have been very little negotiation among the burghs or with any rival contender, such as Rotterdam, to try and get the best terms of settlement, and there was no indication that the king had been given the opportunity of determining the outcome, as in 1668 when the original change was made.¹⁰¹

This lack of negotiation may be explained by Edinburgh's action in April 1674, when the council received a letter from the conservator asking its opinion on the settlement of the staple. A committee was appointed to confer with merchant burgesses of the burgh who traded with the Netherlands, and it decided that Veere was the best place.

⁹⁹ *RCRBS*, iii, 609-10, 625; *RCRBS*, iv, 16-7, 46.

¹⁰⁰ *RCRBS*, iii, 638, 655-6.

¹⁰¹ *Ibid.*, 601-2.

The council then told the conservator its opinion and said that it would write to Lauderdale and inform him of its opinion so that the king's favour for a move could be sought.¹⁰² In this action Edinburgh effectively resolved the matter before the convention had had a chance to consider it fully. It had already made its decision clear to both the conservator and Lauderdale, who could then put pressure on the rest of the burghs to accept it. Incidentally, the conservator at the time, Henry Wilkie, was an Edinburgh merchant, which may also have given the burgh more influence in the matter and been a reason behind his decision to consult it first. However, one cannot infer too much from this in relation to Edinburgh's dominance, as he, like the other conservators, appears to have been nominated by the king.¹⁰³

Edinburgh's challengers

While Edinburgh was not shy of using its dominant position within the convention to its own ends, even being prepared to ignore the opinions of the rest of the estate, this did not often happen in such a way as to prejudice the other burghs. This may explain the small amount of opposition to Edinburgh from within the convention itself. This lack of opposition is particularly noticeable in the case of Glasgow, one burgh which might have been expected to attempt to challenge Edinburgh's dominance.

The rise of Glasgow, particularly in the second half of the seventeenth century, has been well documented. The convention's tax rolls, though not an entirely accurate means of assessing the burghs' relative wealth, do show Glasgow going from one among four burghs which were much smaller than Edinburgh but above all the others in 1649 to being clearly ahead of Aberdeen, Dundee and Perth in 1692, though still

¹⁰² *Edin. Recs.*, 1665-1680, 174-5.

¹⁰³ *RCRBS*, iii, 624-5; see J. Davidson & A. Gray, *The Scottish Staple at Veere: A Study in the Economic History of Scotland* (London, 1909), 221-31, for a summary of the holders of the office of conservator and position of the staple port after the Restoration.

paying less than half the amount Edinburgh paid. In 1612 it had been below all of these burghs, though close to Perth, while in 1556 it had been only eleventh on the tax roll and not even the wealthiest burgh on the west coast.¹⁰⁴ The 1692 figure matches Whyte's assessment that Glasgow in the 1690s had just under half of the population of Edinburgh. Smout concludes that, as 'Glasgow became a most enterprising pioneer both in industry and commerce', trading to the east through Bo'ness and the west and south through its major new port and dominating the other west coast burghs, its population probably rose in number and certainly in wealth.¹⁰⁵ Lynch explores some of the factors behind Glasgow's rise, other than the oft-quoted Atlantic trade, which he argues may have been based on a platform of growth since the 1630s and was aided by its 'relative immunity' from the disasters of the 1640s which, along with the shift in trade from the Netherlands to England, contributed to the slackening of Edinburgh's grip on trade. He also cites the purchase of the barony of Provan in 1669, a year before its most spectacular rise in the tax roll.¹⁰⁶ Although this would have increased the burgh's population and wealth, there had been no change in the roll since 1649 and thus it would be risky to assign too much significance to this in Glasgow's rise. An appeal to the convention in 1688 suggested that the burgh was struggling due to its increased share of taxation, as it was no longer flourishing due to 'the great addition of burden imposed wpon them within this few years'.¹⁰⁷ Its proportion was not raised until 1705, but it was not reduced before then and if it was struggling at this point it was surely only a temporary blip.

¹⁰⁴ Smout, *Scottish Trade*, 282-3; T. C. Smout, 'The development and enterprise of Glasgow, 1556-1707', *Scottish Journal of Political Economy*, 7 (1960), 194-5.

¹⁰⁵ Ibid., 196, 202, 204-6; Whyte, *Scotland before the Industrial Revolution*, 178; Smout, *Scottish Trade*, 53, 138, 144-6, 147; T. C. Smout, 'The Glasgow merchant community in the seventeenth century', *SHR*, xlvii (1968), 55-7.

¹⁰⁶ M. Lynch, 'Continuity and change', 105, 107.

¹⁰⁷ *RCRBS*, iv, 77-8.

This rise caused Glasgow to jostle for a position of higher status among the burghs to match its increased financial contributions and growing status in trading terms. One area in which this was seen was in arguments over precedence in the riding of parliament, which shall be discussed in chapter five. Yet while Glasgow was clearly interested in its position within the convention and wanted to ensure that its rise in population and wealth were recognised in its status, its dealings with Edinburgh do not suggest that it challenged that burgh's dominant position. Admittedly it was still only half its size and did not have its advantages of resident legal expertise and positioning at the centre of power, but given the extent of the one's dominance and the other's rise, some challenges might be expected. Glasgow successfully petitioned in 1661 for a resident of Leith to be made a burgess of Edinburgh in order that he 'may be capacitat to keip ane Inne for lodging of Glasgow people', suggesting that Edinburgh recognised that Glasgow had some influence and had residents frequently there either for trade or on legal business. Certainly in 1657 it had had two agents there pursuing its affairs, in which it acknowledged the help of Edinburgh's provost, and the council minutes throughout the whole period indicate that commissioners went to Edinburgh very regularly, probably more so than from other burghs.¹⁰⁸ There were disputes between the burghs, such as that in 1674 when Edinburgh's merchants considered themselves to have been 'groasly abused by the magistrats of Glasgow when they had occasione to bring weynes and uther goods [from the] new port of Glasgow'. Though Edinburgh threatened to take the matter to the privy council it decided to deal with provost Bell of Glasgow 'that the saids injuries be fryndly takin away', which seems to have happened.¹⁰⁹ This dispute was apparently no more than a straightforward trading dispute and not any attempt to undermine Edinburgh's position. McGrath argues that it

¹⁰⁸ *Edin. Recs.*, 1655-1665, 256; *Glas. Recs.*, 1630-1662, 387 and *passim*; *Glas. Recs.*, 1663-1690, *passim*; GCA, Council Minute Books, C1/1/12-7, *passim*.

¹⁰⁹ *Edin. Recs.*, 1665-1680, 174-5; *Glas. Recs.*, 1663-1690, 193.

was only once Glasgow obtained the right to choose its own magistrates in 1690 that it was fully able to challenge Edinburgh's economic position, and this may also have been a factor in its failure to challenge the capital's position in the convention.¹¹⁰

Though Glasgow was happy with its position in relation to Edinburgh, perhaps acknowledging the latter's good standing in relation to legal and political affairs and content with its growing share in trade, partly at Edinburgh's expense, it was clearly influential within the convention. Its provost presented a paper of overtures 'relating to the matter of tread, fisching, manufactores, schiping, mint, and companies of marchantis' during parliament in 1661, and the convention accepted them and decided to present them to 'the lordis and wtheris of the comissioun for tread that thair approbatioun may be had thairto'.¹¹¹ In 1671 Glasgow's then provost William Anderson was appointed as the convention's agent to court – surprising given that a representative of Edinburgh would more usually have been chosen. It is possible that the fact that Anderson had been nominated and continued as provost by the king in 1670 and 1671 (during a vacancy in the archbishopric) caused the convention to decide that he would have more influence even than Sir Andrew Ramsay, who was merely an associate of Lauderdale.¹¹² This may indicate some rise in Glasgow's influence within the convention, but its only direct challenge to Edinburgh was very minor: in 1681, it agreed to the delay in the general convention by two weeks (which was to coincide with parliament) 'on these termes that the magistratis and toune counsell of Edinburgh pretend not to any power or jurisdiction for altering the ordinary day of the generall

¹¹⁰ McGrath, 'The medieval and early modern burgh', 57.

¹¹¹ *RCRBS*, iii, 536.

¹¹² *RCRBS*, iii, 630-2; *Glas. Recs.*, 1663-1690, 143-4, 156.

convention in tyme coming'.¹¹³ This protest was echoed in the convention's register which stated that

albeit the provest of Edinburgh did be himself alter the dyett of the last generall convention in respect the Parliament did ensue, and for which the convention did return him thair thanks, yet the samen shall be no preparative quhairby the provest of Edinburgh may alter the useuall dyett in tyme coming except when the lyke case exists.¹¹⁴

Such statements were warnings to Edinburgh not to abuse its position, but do not exactly constitute a challenge to that position.

Other burghs also addressed the issue of Edinburgh's dominance of conventions. Inverness seems to have been unhappy at the fact that general conventions were usually held in Edinburgh and perceived that the convention was falling somewhat out of touch with its constituent members. In 1652 its commissioner proposed that conventions should be held in different burghs around the nation 'to the intent that the stait of each burgh may be the better knowin to the haill burrowis', a motion that was approved and perhaps contributed, once the political situation stabilised, to general conventions being held in Haddington and Glasgow.¹¹⁵

The Restoration period then saw another slackening of the peripatetic nature of the convention, and if in the early 1650s this had been a concern of some burghs, it could be expected that this concern would increase or at least remain after 1660. However, there are few references to this anywhere in the convention's minutes. Kirkwall was exempted in 1685 from any fines for its absence from conventions due to its distance

¹¹³ Ibid., 297.

¹¹⁴ *RCRBS*, iv, 29.

¹¹⁵ Ibid., 365, 374.

from Edinburgh, an indication that it was struggling with Edinburgh's geographical dominance. The only direct challenge came the same year from Inverkeithing, whose commissioner protested that the appointment of the general convention to meet at Edinburgh or anywhere other than there 'might be but prejudice of ane act of Parliament in favouris of the said burgh of Innerkeithing anent the meeting of the burroues at that burgh as he alledges'.¹¹⁶ This may have been a reference to a statute of 1487 which stipulated that commissioners from the burghs should meet annually at Inverkeithing, though it would be a very odd demand given that the statute was changed in 1533 to refer to Edinburgh instead.¹¹⁷ The protest did not refer to a more recent act, as the only mentions of Inverkeithing in the records of parliament that year were in the sederunt and in their protest for precedence over any burgh erected since king William's reign, an equally peculiar request, which since the beginning of the reign of James VI had been aired only once previously, in 1681.¹¹⁸ Thus the challenge over the location of conventions probably says less about serious challenges to Edinburgh's dominance than it does about an attempt to gain influence on Inverkeithing's part, or the civic pride of a once more important burgh.

One burgh which did challenge Edinburgh's dominant position was Aberdeen. In the 1650s it is clear that Aberdeen was willing to work with the convention, but particularly wanted to protect its own position. It was willing to do this before the English commissioners, trying to ensure that no royal burgh gained privileges that would be prejudicial to it, as well as before the convention, where it was ready to oppose articles such as the alteration of the stent roll. On one article in 1654 Aberdeen's commissioner was told 'to give nothing, but seek for our selfs'. In the

¹¹⁶ Ibid., 56, 58.

¹¹⁷ MacDonald, *Burghs*, 8.

¹¹⁸ *RPS*, 1681/7/4, 1685/4/4.

same instructions the burgh complained that it had paid the highest proportion for something unspecified and got nothing good from it, while ‘other burrowes that did pay little got more good (as Edinburgh)’.¹¹⁹

Aberdeen was particularly keen to resist Edinburgh’s dominance, instructing its commissioner in 1655 to ensure that Edinburgh’s privileges were not favoured ‘above any other Brugh’. It was unhappy at Edinburgh’s dominance of particular conventions, as the capital was perceived to be pursuing its own gain. In 1659 Aberdeen complained against the scope of particular conventions, claiming that those with a general clause (which allowed matters not specified in the missive to be discussed) meant that ‘some few burrowes meiting with Edinburgh doe what they list’.¹²⁰ It complained again in 1659 at Edinburgh’s calling of a particular convention despite the general convention not sitting and not giving it licence to do so, and also at the short notice given for the convention, suggesting that it feared that Edinburgh would try to work things to its advantage. This fear was repeated early in 1660 when they pressed for two commissioners to be sent to London, with only one from Edinburgh. This did not happen and Aberdeen’s protest was not accepted, causing a great deal of bad feeling in the burgh council.¹²¹

Aberdeen also appealed to the English commissioners for the establishment of a supreme judicatory in the north so that it would not have to go to Edinburgh (though this was never raised as the 1653 general convention was broken up by the English).¹²² This is extremely significant as, if successful, it would have ended Edinburgh’s dominance as the legal centre of Scotland, causing lawyers and money to move north

¹¹⁹ *ACL*, iii, 207, 238-9, 294-7.

¹²⁰ *Ibid.*, 249, 294.

¹²¹ *RCRBS*, iii, 342; *ACL*, iv, 3-19, 26-30.

¹²² *ACL*, iii, 209.

and making Aberdeen or whichever northern burgh it settled in a focal point for other burghs north of the Tay. This could have been a seismic shift in the political geography of the royal burghs and would have undoubtedly shaken Edinburgh's position – at worst, it could have led to factionalism between those burghs which focused on it and those in the north which used the alternative legal centre.

The dispute over commissioners to London in 1660 was repeated after the Restoration. In 1665 Aberdeen's commissioner to the general convention was instructed to ensure that if any commissioners were sent from the burghs to the king to seek redress on certain particulars, one ought to be from it or another northern burgh. It did not want both to be from Edinburgh or the south or west,

ffor thes many years bygane they have inhansit and monopolizit the burrowes priviledges in that and any thing that wes done notwithstanding it wes upon the burrows common charges the samen was still for behove of the burgh of Edinburgh or burghs adjacent therto wheras the north part of the kingdome is different fra the remanent part in ther trade and grevances.¹²³

No commissioners were sent by that convention, but Aberdeen was clearly still convinced that Edinburgh was dominating the convention to the extent that it pursued its own interests at the other burghs' expense and to their detriment; in 1678 it stated in its instruction to its commissioner to a particular convention that it would refuse to pay for commissioners to the king if one was not sent from Aberdeen.¹²⁴

This fear was reflected in the instruction to its commissioner in 1670 that he should oppose any attempt by Edinburgh in parliament to alter the standard size of salmon

¹²³ *ACL*, iv, 3-19, 26-30, 277.

¹²⁴ *ACL*, vi, 224-5.

barrels, which it was Aberdeen's privilege to keep.¹²⁵ It was also afraid that the tax roll would be altered in favour of the southern burghs and its proportion was indeed raised. Similarly in 1683 it was hoping to have its proportion of the tax roll diminished and told its commissioner that if he was not successful he should attempt to delay the alteration of the roll until the convention met 'in some place be north Edinburgh and nearer to our selves for ther may be small hopes of our getting any good done ther in that mater'.¹²⁶ This fear that the convention sitting in Edinburgh would somehow be less likely to move in its favour was proved unnecessary, as its proportion of every £100 of tax was reduced by £1.¹²⁷ The perception of southern dominance, particularly by Edinburgh, was perhaps not helped by the often poor communication between Edinburgh and the north. In 1657 Aberdeen complained that it was 'wrongit and neglectit in not getting the Burrows missive'.¹²⁸ This situation clearly arose regularly, and in 1667 it appealed to the privy council of the prejudice it sustained by the 'miscaryeing of missive letters and be the not tymous deliverie and receaving returns of the samen'. This was a problem suffered by nobles and gentlemen in the north as well as the burgh, and it successfully gained a warrant from a postmaster to be appointed there and foot posts to be employed.¹²⁹

As well as challenging Edinburgh and using these means to prevent it abusing or increasing its dominance, there is also a sense of competition in some of Aberdeen's actions. In 1658, on hearing of Edinburgh's submission to the council in London of 'certane particulars for the ease and good' of Leith, its commissioner there was asked

¹²⁵ *ACL*, v, 27-8; Connor & Simpson, *Weights and Measures*, 64n90, 242-4, 260n105.

¹²⁶ *ACL*, v, 17; ACA, Press 18/81, 23 June 1683.

¹²⁷ Smout, *Scottish Trade*, 283.

¹²⁸ ACA, Town Council Registers, CR1/1, liii, 547.

¹²⁹ *RPC*, ii, 252.

to petition for an ease of its burdens.¹³⁰ A similar ideas was repeated in 1670 when its commissioner to parliament was told

to informe yorselife if the toune of Edinburgh and other royall burghes intends new ratificatione of ther priviledges or if they have done the same since his Majesties hame cominge And if it be neidfull for us to doe the same.¹³¹

Aberdeen seems to have been the only burgh to oppose Edinburgh regularly, though it is possible that other northern burghs did support some of its attempts to stop the convention being so focused on the south. There was one issue in which some sort of concerted action was taken against Edinburgh and in which Edinburgh felt the need to go on the defensive, but ultimately its position was maintained. At the general convention in 1660 an act was passed stating that Edinburgh should stop having three commissioners at particular conventions, and only have that number at general conventions in their own burgh.¹³² One of these, generally the provost, was the moderator, but this act indicates that he was not seen simply as a supernumerary chairman but as an active representative of his burgh. In 1663 Edinburgh chose three commissioners – including its provost Sir Andrew Ramsay and his predecessor – to the convention which was to sit at the time of parliament, with this remarkable instruction:

And becaus that at some tymes certane commissioners of Burrowis have made scruple and questioun whither the Lord Provest of this Brugh sould be admitted as a commissioner by and attour the other twa commissioners quhilk the Counsell thinkis ane unnecessarie and unjust scruple for many weightie reasones and contrair to the practise of the Royall Burrowes these many years bypast Theirfoir the Counsell thinks fitt and ordains that incaice any such

¹³⁰ ACA, Town Council Registers, CR1/1, liii, 611.

¹³¹ ACL, v, 25.

¹³² RCRBS, iii, 518.

questioun sall be made and so insisted upoun as that the remanent Commissioners sall refuse to accept or admit the said Lord Provost that in that caice both his Lordship and the uther twa commissioners sall remove themselves from and desert the said meitting as they will be answerable to the Counsell.¹³³

Edinburgh had never had the right to have more than two commissioners at a convention, except the annual general convention in July and only then if it was held there. The conventions before and during parliament are rather more difficult to judge, as those in the Restoration period sometimes happened instead of the annual one. This could explain Edinburgh's desire to make sure it was not challenged, as the usual general convention did not meet in 1663, and indeed no challenge arose. But this lack of a challenge seems to have encouraged it to ignore the act of 1660, and from the particular convention of May 1664 onwards, it almost always sent three commissioners.¹³⁴ The challenge was never repeated even though Edinburgh was clearly flouting an act of the convention, further evidence that its dominant position was accepted by the burghs as Charles II's regime took hold, perhaps because of its influence with that regime. There is not much evidence that Edinburgh made a habit of taking advantage of its pre-eminence among the burghs, despite Aberdeen's fears, and the limited challenges reflect both that and the fact that its influence, expertise and wealth was relied on by the convention. Yet even Aberdeen's opposition to Edinburgh suggests that Aberdeen recognised the effectiveness of the convention. It would not have been worried about what other burghs gained if nothing of use was being achieved, and would not have worried about the danger of abuse of Edinburgh's position had there not been something worth protecting.

¹³³ *Edin. Recs.*, 1655-1665, 323.

¹³⁴ *RCRBS*, iii, 569 and *passim*; *RCRBS*, iv, *passim*.

The reliance on Edinburgh left the convention vulnerable to the capital's greatest challenger. Its closeness to the crown did give it influence there, but also meant that it was open to greater interference by the crown than the other burghs. Thus the very thing that made Edinburgh so useful to the convention opened it to indirect governmental interference. There is some evidence which suggests that the English regime also attempted to limit the capital's influence in the 1650s. Stewart recounts how in 1651 colonel Lambert appointed himself governor of Edinburgh in place of a provost, allowing himself to name two of the bailies and five councillors, and the fear of a loss of their liberty and power caused most to swear the oath of loyalty to the regime so that they could regain control of elections.¹³⁵ In meeting with the English commissioners at Dalkeith, Edinburgh was allowed its customary two commissioners, but Glasgow and Aberdeen were allowed the same, though were only allowed to send one to Edinburgh to elect commissioners to go to England.¹³⁶

More significantly, Edinburgh was threatened with removal of its superiority over Leith, which was confirmed only once its loyalty to the regime was secured 'through its hospitality towards the English'.¹³⁷ It was threatened again in 1655 if the burgh's debt to the college of justice was not repaid, and again in 1656 when plans were being made to build a citadel at Leith, and Edinburgh was ordered 'ather to big that Cittidail, or ellis to lois thair libertie and superioritie'. In the former case promises of repayment were made and not fulfilled, but in the latter it was forced to pay £5,000 sterling (£60,000) towards the building of the citadel.¹³⁸ Further attempts were made by Leith

¹³⁵ L. A. M. Stewart, *Urban Politics and the British Civil Wars: Edinburgh, 1617-53* (Leiden, 2006), 291.

¹³⁶ Dow, *Cromwellian Scotland*, 36; C. S. Terry (ed.), *The Cromwellian Union 1651-1652* (Edinburgh, 1902), 35, 46 and *n.*, 185.

¹³⁷ Smith, 'Scotland and Cromwell', 210-1.

¹³⁸ *Edin. Recs.*, 1642-1655, 360-7; *Edin. Recs.*, 1655-1665, 17-21, 26-7; J. Nicoll, *A Diary of Public Transactions and other Occurrences, chiefly in Scotland, from January 1650 to June 1667*, ed. D. Laing (Edinburgh, 1836), 179.

itself in application to parliament in 1653, and in 1655 by Monck in writing to Cromwell, to give Leith freedom as a burgh in its own right. In the latter case the desire was to encourage trade, prevent smuggling as a means of avoiding Edinburgh's customs which then deprived the regime of excise, and particularly to encourage English settlers to remain in the town. Thomas Tucker, in surveying many of the burghs in his report about Scotland's excise in 1656, felt that freedom from Edinburgh would allow Leith to rival it within a few years. Certainly losing its port could have severely damaged Edinburgh's wealth and thus its position among the burghs.¹³⁹ These attempts failed and Edinburgh's superiority over Leith remained.

These were not insignificant attempts to reduce Edinburgh's influence, but it suffered far more interference under Charles II and James VII. Some of this again related to the citadel at Leith. In 1662 the rights to it were given to Lauderdale. The council was concerned that this gift 'might prove verie prejudiciall to the rights and priviledgis of this brugh', and attempts were made to convince Lauderdale to delay the passing of the gift through the exchequer and presumably not to accept it at all.¹⁴⁰ Perhaps because of the fact that this was a royal gift, Edinburgh did not find much support in its aims, even from its legal advisors, and eventually wrote to Lauderdale to tell him that it would not oppose the gift as it was 'nothing doubtfull of his Lordships favorable respects to them and that he will be and continue to be a freindlie nighbour'.¹⁴¹

His intentions in getting the gift were almost certainly not at all friendly. Both Whyte and Donaldson went so far as to say that he 'blackmailed' the burgh with the threat of developing Leith into a rival trading centre, something that Edinburgh could not

¹³⁹ *Edin. Recs.*, 1642-1655, 317, 325, 327, 359; Firth, *Scotland and the Protectorate*, 239-40, 248-9; Tucker, 'Report upon the settlement of the revenues', 17.

¹⁴⁰ *Edin. Recs.*, 1655-1665, 295-6; Mackenzie, *Memoirs*, 24.

¹⁴¹ *Edin. Recs.*, 1655-1665, 323-4.

countenance due to the threat to its trading interests and position among the burghs.¹⁴²

Two months later Lauderdale offered to sell the rights to the citadel to the provost on behalf of the burgh, as he was intending to dispose of it to the highest bidder. It seems likely that this had been his plan all along and the council felt it had little option but to purchase it, to prevent it from falling into other competitive hands. Lauderdale valued the rent of the citadel at £3-4,000 sterling (£36-48,000) *per annum*, which seems extortionate, and offered to sell it for £6,000 sterling (£72,000) – which, given the supposed rental value, must have seemed an offer too good to be true. Edinburgh accepted, but the sum was so great that both the common good and the imposition on ale and wine were put up as security. Its rights to the citadel were ratified in parliament that year, but it is clear that it had been very expensively abused by the crown, in the person of Lauderdale.¹⁴³

There were numerous smaller actions which directly affected Edinburgh's position and made it clear that its influence was nothing compared to that of the crown. One example is in the crown's orders for certain persons to be made burgesses, such as viscount Chillingworth in 1681, though this was normally the prerogative of the provost and magistrates.¹⁴⁴ The crown also removed from Edinburgh the rents of the bishopric of Orkney, which it had purchased in 1642, successfully recovered from sequestration by the English commissioners, and which were used for the payment of its ministers. In 1661 the council heard that there was 'all appeirance the rents would certainlie be taken from the Counsell and applied for the maintenance of the Bishops of the place. The Counsell eftir grave consideratioun of their owen great necessities and danger of being destitute of ministers' appealed to Lauderdale and the officers of

¹⁴² Whyte, *Scotland before the Industrial Revolution*, 183-4; Donaldson, *Scotland*, 373.

¹⁴³ *Edin. Recs.*, 1655-1665, 326-9; *RPS*, 1663/6/133; Mackenzie, *Memoirs*, 24, 246.

¹⁴⁴ *Edin. Recs.*, 1681-1689, 24.

state, but it was unsuccessful and was left with the fear that it would be unable to pay its ministers' stipends.¹⁴⁵ The burgh's ratification in parliament in 1662 stated that it would be allowed to uplift an imposition on imported wine and on liquor because

such hes been thair affection to his majesties' service and the present constitution of the government of the church, that they have freely surrendered to his majestie the bishoprick of Orknay and bishoprick and deanrie of Edinburgh, which wer formerly allowed to them for maintenance of their ministers, by all which the condition of the toun is so meane that without some mark of his majesties' bountie they will hardly subsist.¹⁴⁶

Clearly the suggestion that Edinburgh had 'freely surrendered' their rights was spurious, as it had effectively been presented with a *fait accompli*. However in suggesting that Edinburgh had shown extraordinary loyalty to which the crown had responded with extraordinary generosity, the crown may have been strengthening its psychological grip on the burgh while sending a message to the other burghs that loyalty was profitable. This would suggest that the crown was recognising and using Edinburgh's influence among the other burghs to get a message across.

This may also help to account for the attitude to Edinburgh in attempts to prevent the meeting of conventicles and other seditious groups. Other burghs were singled out by the privy council, notably Glasgow and others in the west, where religious dissent was widespread, and all burghs were asked to take bonds of security from their inhabitants stating that they would not attend conventicles.¹⁴⁷ Yet Edinburgh was set apart for particular attention. In 1661 the convention inserted an order from parliament for the oath of allegiance to be taken and the act for the royal prerogative to be signed by all

¹⁴⁵ *Edin. Recs.*, 1642-1655, 6, 284-5, 302; *Edin. Recs.*, 1655-1665, 264-5, 284-5.

¹⁴⁶ *RPS*, 1662/5/60.

¹⁴⁷ *RPC*, iii, 463-4 is one example of an instruction to Glasgow's magistrates to proceed against conventicles; *RPC*, iv, 197-200, 202.

magistrates and councils at their next meetings, ‘and particularlie that the provest of Edinburgh sie it forthwith done be the magistratis and councell of Edinburgh’.¹⁴⁸ The following year the privy council ordered the magistrates to take note of everyone who lodged in the city each night because ‘many disaffected persons to his Majestys government and interest doe daylie and continuallie resort and haunt to the burgh of Edinburgh, that thereby they may the more secretly and effectuallie cary on their wicked designes’.¹⁴⁹ The fact that Edinburgh was the capital may well have contributed to the presence of some seditious groups, and gives another explanation for the particular efforts made by the privy council to keep it free from them. At times of rebellion the bailies were ordered to be particularly alert as to who entered the burgh. The magistrates were often asked to give bonds of security for keeping the burgh free of conventicles and were often fined for their failure, though their successes were acknowledged and received thanks. This was such a burden on them that the rest of the council in 1673 agreed to relieve them of responsibility for the bonds (and any resulting fines), which were then taken on by the burgh.¹⁵⁰ In 1681, after a riot in Edinburgh, it offered to raise a company of 108 men as security for the town, to indicate that it was serious about keeping the peace. This was accepted by the privy council, presumably much to the relief of the burgh; the council had threatened that if it did not deem the security offered to be satisfactory ‘they would beseech his Majestie that the judicatories might be removed to some other place in the kingdome where they might be in safety’.¹⁵¹

¹⁴⁸ *RCRBS*, iii, 544-5.

¹⁴⁹ *RPC*, i, 263.

¹⁵⁰ *RPC*, ii, 488, 501-2, 572; *RPC*, iii, 150-1; *RPC*, iv, 94, 204-5; *RPC*, v, 52, 83-4; *RPC*, vi, 202, 256; *Edin. Recs.*, 1665-1680, 149.

¹⁵¹ *Edin. Recs.*, 1681-1689, 41-3; *RPC*, vii, 407-11, 425-6, 438-42.

These concerted efforts to keep Edinburgh free of sedition certainly had roots in a real fear that such sedition could affect the burgh, and did not directly affect the convention. But any other burgh hearing reports from the privy council of this pressure being put on Edinburgh could be expected to respond by redoubling its efforts in maintaining loyalty, meaning that Edinburgh's influential position could be used as proxy. A more direct means of influencing Edinburgh, and thus of affecting the convention, was interfering in its electoral procedure, particularly regarding its provosts. Again, of course, Edinburgh was not the only burgh to have its internal politics meddled in – Glasgow's provost was nominated by the king when there was no archbishop to do so, while in 1666 Ayr was ordered by the privy council to continue its provost in office for another year.¹⁵² Yet until James VII's prohibitions on elections, discussed in chapter six, Edinburgh did experience more regular interference than any other burgh. The first indication of this was in 1660 when provost Sir James Stewart was imprisoned on the orders of the king. The council was thrown into a panic as it tried to find out why he was imprisoned (which was due to his opposition to the Engagement) and 'what way the Counsell sall behave themselves or what should be their cariage thereanent' in terms of its administration of the burgh without a provost, and perhaps to avoid further censure.¹⁵³

The close interest taken by the crown in Edinburgh's internal politics meant that the burgh went to the privy council when faced with a dispute over its elections in 1661, where other burghs might have gone to the convention. That year the merchants and crafts had had a long-running disagreement which the council had failed to resolve. When it came to the election of the magistrates some of the crafts refused to vote and then protested against the result, but the privy council endorsed it and further appeals

¹⁵² *RPC*, ii, 195.

¹⁵³ *Edin. Recs.*, 1655-1665, 206-7; Stewart, *Urban Politics*, 282-7.

ruled in favour of the magistrates, though the dispute between merchants and crafts continued into the court of session.¹⁵⁴ While it was probably the crown's interest in its politics that caused Edinburgh to approach the privy council on this matter, doing so may well have opened it to further interference, allowing the crown to feel that it could continue to meddle. Some interferences were fairly small, such as the 14-month restraint on holding a clerk's election after the deposition of Thomson, which left the burgh without a clerk and the convention with a clerk who was not in a burghal position.¹⁵⁵ On a number of occasions the privy council sent members as observers when there was a fear that 'some disorders might fall out at the electione', to ensure correct procedure was followed and the election passed peacefully. This potentially allowed the crown to ensure that those candidates it favoured most would be elected by the application of indirect pressure through the councillors' presence.¹⁵⁶

More serious interference came in 1674, when the crown ordered the cancelling of the election due to the rather minor offence of holding the election on Michaelmas (which fell on a Tuesday) instead of the first Tuesday after Michaelmas. They had done this simply because, having made the leets, they did not want to be left without a council for a whole week, yet the crown interpreted it as 'a factious designe'. Although the privy council accepted this explanation Lauderdale claimed that there had been other faults in the exercise of government in the burgh which also went against the king's commands. Despite its protests of loyalty and many complex negotiations the crown would not give in. In August 1675 the restriction was removed and an election permitted, evidently so that it could not be said that a whole year had gone by without an election and in order to return the magistrates and council to their 'former good

¹⁵⁴ *Edin. Recs.*, 1655-1665, 229-38, 262, 278; *RPC*, i, 61-3, 70, 75-6.

¹⁵⁵ *RPC*, ii, 111; *Edin. Recs.*, 1665-1680, 1.

¹⁵⁶ *Ibid.*, 231-3, 236; *Edin. Recs.*, 1681-1689, 83-4, 123, 153.

temper'. After a number of people were barred from holding office for trying to promote their own faction against the magistrates, a further election was held at the usual time with the earl of Linlithgow, treasurer depute Hatton and the lord clerk register all present.¹⁵⁷ This incident may have had something to do with the convention's letter to the king in 1674, against which the provost James Currie had protested and was thus kept in office, as Lee suggested.¹⁵⁸ It may also have had something to do with the opposition to the crown-favoured Sir Andrew Ramsay which had resulted in his removal from office only nine months before, which will be discussed below. The removal of Ramsay may have caused concern that there were opponents to the crown within Edinburgh which, especially after the convention's letter with which some within the burgh may have been in favour, it wanted to ensure did not get the opportunity to take office or even run for office and thus encourage further opposition.

In the 1680s Edinburgh suffered direct interference before most other burghs, having George Drummond nominated as provost by the crown in 1683 when it stepped in to mediate in some disputes regarding previous administrations' use of the common good. He was continued provost in 1684, in the presence of privy councillors, while the following year Thomas Kennedy was nominated by James as provost.

Interestingly, James seems to have been satisfied that the burgh's council was now sufficiently fixed as to ensure its loyalty, and in 1686 Kennedy and the dean of guild were ordered to remain in office but the elections for the rest of the magistrates and council were allowed to continue as normal. The following year, Magnus Prince was nominated provost by the king, but again elections for all other positions were allowed

¹⁵⁷ *Edin. Recs.*, 1665-1680, 190-5, 198-208, 212, 217, 229, 231-3, 236; *RPC*, iv, 281-3, 287, 356-7, 469-71; Mackenzie, *Memoirs*, 310-4.

¹⁵⁸ Lee, 'Government and Politics', 253.

to proceed. He was re-elected in 1688 apparently without much interference from the crown, and there appear to have been no observers at elections since 1685. Essentially the only problem for the burgh, other than the imposition of the provost, was the delay in holding elections which meant that some office-holders were remaining in office for slightly more than two years. As they took an oath on assuming office that they would remain for only two years, some in 1687 had to protest that they were not in breach of their oath, as they were there only in obedience to the king.¹⁵⁹

The problems of this interference for the convention were indirect but nonetheless real. Given that Edinburgh was so dominant in the convention's business, having a crown-nominated provost would mean that crown interests also gained a prominent and even dominant hearing in the convention. Thus convention policy was in danger of becoming less focused on the interests of the royal burghs and more on those of the crown. This may in part explain why there was so little opposition voiced from the convention to the 1672 act commuting many of its trading privileges to burghs of regality and barony. The provost of Edinburgh at the time, who presumably also acted as moderator of the convention during parliament as he had previously, was Sir Andrew Ramsay, the favourite of Lauderdale, who had been provost since 1662 and could not be expected to speak directly against a policy which favoured Lauderdale so much.¹⁶⁰ Intriguingly, two days after the act was passed, Ramsay was awarded the right to hold two annual fairs and a weekly market at Linton in East Lothian, just a few miles from Haddington, North Berwick and Dunbar.¹⁶¹ It seems remarkable that the leading figure of the burghal estate should even seek such a warrant which was so evidently opposed to the interests of the estate, given the protests arising from the

¹⁵⁹ *Edin. Recs.*, 1681-1689, 81-5, 123, 153, 188-9, 225-6; ECA, Edinburgh Council Registers, SL1/1/32, ff.157r, 254r; *Edin. Recs.*, 1665-1680, 139-41.

¹⁶⁰ *Edin. Recs.*, 1655-1665, 206-7.

¹⁶¹ *RPS*, 1672/6/28.

burghs against new market centres. However, it cannot be assumed that this was some form of bribe for stifling burgh opposition to the earlier act. Yet if Ramsay was indeed acting in Lauderdale's interests (or his own) rather than the estate's, this could shed further light on the upsurge of opposition to him within both Edinburgh and the convention in 1672 and 1673. This was well documented by contemporary observers and also in secondary literature and formed part of the opposition to the liberties many saw Lauderdale taking.¹⁶²

The reason expressed for the opposition to Ramsay which arose in the council election of 1672 was his promotion to be a lord of session, which riled those who felt that Lauderdale was corrupt as Ramsay had no legal experience and was clearly appointed only as Lauderdale's crony. The dean of guild argued that, according to acts of parliament and privy council, holding this office barred him from being provost and voting for the magistrates. Others also protested but Ramsay was re-elected and Lauderdale wrote to say that he would be reporting the 'factious protest' against him to the king.¹⁶³ The following February the act limiting the provost to two years in office was restored. This was almost certainly another attack on Ramsay who was now in his eleventh consecutive year, though he did sign the act; but if there was enough opinion within the council in its favour even he would struggle to resist. The 1673 election was then preceded by the king's removal of James Rocheid from his office as clerk, on the grounds that he had been behind the factious attempts to remove Ramsay the previous year. Further attacks were made on Ramsay's position during the election but with an

¹⁶² For some examples see: Mackenzie, *Memoirs*, 246-50, 260-2; D. Crawford (ed.), *Journals of Sir John Lauder Lord Fountainhall, 1665-76* (Edinburgh, 1900), 305-9; Fountainhall, *Historical Notices*, 53-81; G. H. MacIntosh, 'Ramsay, Sir Andrew, of Abbotshall and Waughton, first baronet, Lord Abbotshall (1620?-1688)', *ODNB* [<http://www.oxforddnb.com/view/article/23075>, accessed 19 Feb 2009]; MacIntosh, *Parliament*, 84, 122-3, 129-33; Paterson, *Lauderdale*, 199-200, 209; Jackson, *Restoration Scotland*, 93; J. Patrick, 'The origins of the opposition to Lauderdale in the Scottish parliament of 1673', *SHR*, liii (1974), 16, 20; R. Lee, 'Government and Politics', 219.

¹⁶³ *Edin. Recs.*, 1665-1680, 130-3; Mackenzie, *Memoirs*, 247-9; MacIntosh, *Parliament*, 122.

assurance from the chancellor that Ramsay could stand and in the presence of the earls of Linlithgow and Kincardine and the lord advocate, he was re-elected.¹⁶⁴

However, the removal of Rocheid appears to have given the other burghs the opportunity to get involved and assist in the removal of Ramsay. In parliament later that year there was a great deal of opposition to Lauderdale from members of all estates, in which the burghs played a crucial role as shall be seen in chapter five. One of the key issues pursued by the burghs was the indictment of Ramsay, of which they were almost certainly the instigators even though the earl of Eglinton and Hamilton presented the articles to parliament. This was probably a case of the burghs recognising the need for the influence the nobility wielded to front their assault, as well as being a means of getting round the fact that Ramsay was still in position as the leading member of the burghal estate. In the end Ramsay was not indicted, though he was soon forced to resign both as provost and as a lord of session. However, the burghs had achieved other aims, including getting a letter from the king to Edinburgh's council, brought by the provost of Aberdeen and other burgh commissioners, asking for Rocheid to be restored as burgh clerk as it would be advantageous to all of the burghs.¹⁶⁵

Conclusion

For as long as Ramsay had been provost, the crown had had a major stake in the convention. The opposition to him from among the other burghs does not really reflect opposition to Edinburgh's position, as it was far too useful to them. Indeed, opposition came from within Edinburgh as much as from other burghs. Rather, it reflects how

¹⁶⁴ *Edin. Recs.*, 1665-1680, 139-42, 152-9; Mackenzie, *Memoirs*, 250.

¹⁶⁵ NLS, Yester Papers, MS7006, f.66; MS7034, ff.33a, 36-9, 41-8; *RPS*, A1673/11/1; Mackenzie, *Memoirs*, 260-2; Fountainhall, *Journals of Fountainhall*, 306-7; MacIntosh, *Parliament*, 133; *Edin. Recs.*, 1665-1680, 164-5.

influential Edinburgh was in that it could be used by the crown to get a degree of control in the convention, while also showing that the burgh was influential enough to play a key role in opposition to the perceived liberties Lauderdale was taking, expressed through opposition to his favoured provost, Ramsay. To an extent this episode reflects the wider issues surrounding Edinburgh's relationship with the convention. The crown's interference was more damaging than other burghs' opposition to Edinburgh's position, as it was generally seen to be advantageous to them in the various roles it played. There was some concern that it was abusing its influence, but there is little evidence that this was the case, despite the opportunities it had, though undoubtedly Edinburgh was able to enhance its dominance in exercising its responsibilities, such as in sending commissioners to court on the burghs' behalf. This would suggest that the capital had a great deal of respect for the convention and its fellow royal burghs, all of whom recognised the convention's importance, and was willing to bear the sometimes onerous burdens of its position for the sake of the estate as well as itself.

Chapter 3

Urban Finances and the Convention

Considering the assaults on the trading privileges of the royal burghs discussed in chapter one, the question of what condition they were in financially must be considered. If the burghs were struggling it must follow that the convention's ability to help them would be limited, as it could give out only what they were able to put in. Burghs could also be expected to struggle more in attending the meetings of the convention. Yet as well as the burghs' financial condition having an impact on the convention, we must consider whether or not the convention had an impact on the burghs' condition. It did have an official role in preventing the wastage of the common good of the burghs and, as seen in chapter one, was prepared to support them financially. Pagan, having suggested that the convention was politically quite unimportant, followed this by observing that it was important in its administrative role and in contributing to Scottish progress by its financial assistance (directly and in representations regarding trade). This has not been backed up by more recent research which has tended to criticise the burghs' economic policies, as shall be seen below. If Pagan's definition of 'Scottish progress' is taken to encompass the royal burghs, her observation does not hold much weight under an examination of the burghs' own records of their financial state; the convention may have helped burghs stay afloat, but it does not seem that many of them were progressing.¹

While this chapter will include some discussion of the 1650s, in order to show trends across the whole period, chapter four contains a fuller discussion of the economic condition of the burghs in that decade. The financial pressures on them were very

¹ Pagan, *Convention*, 262.

different as Scotland was contributing towards the payment of a large occupying army, while incorporation with England obviously had implications for Scotland's trade. The convention was thus required to respond in different ways, which shall be examined separately.

Financial condition of the burghs

Many of the appeals to the convention mentioned in chapter one were made with the claim that the burghs in question needed help because they were too poor to help themselves. Even Glasgow, the economic success story of the period, appealed for help in 1675, which may account for some of the scepticism historians have expressed about the appeals, as discussed below. Some appeals, however, have a ring of desperation about them which was accepted as an accurate reflection of the situation. For example, after Ayr's appeal in 1671, the burghs decided to seek a remedy 'for preventing the outter rowin of that ancient burgh so fittlie situat for trade'.² Some of the actual supplications remain in the convention records in Edinburgh City Archives and provide good examples of the range of problems that the burghs were claiming to have. In 1675 Crail presented a long list of problems: public debt of over £2,700 on top of six of the previous twelve months' cess and money owed to the burgh's agent; a common good which covered less than half of the interest on their debts; no magistrates for the previous four years as those eligible feared that creditors would hold them personally responsible for the debt; a ruined harbour and pier; inhabitants leaving; and a severe decay of trade and fishing with very few ships left. Haddington, a much larger burgh, also complained of a lack of trade, with local unfree markets taking its trade and causing its inhabitants to leave so that they did not have to pay their share of the public burdens due by the burgh. It also complained of ruinous buildings, a large

² *RCRBS*, iii, 626, 646.

amount of debt and poverty among its inhabitants. Both Crail and Arbroath in 1684 threatened that they would not be able to remain active among the burghs in paying dues and attending meetings, Arbroath also stating that its common good was exhausted, that it had considerable debt and had a need to repair its harbour and tolbooth.³ Irvine had similar complaints in 1688, suggesting that the burgh was threatened with ruin because of the decay of its trade caused by a ruined harbour which it could not afford to repair. This was due to its debt and lack of funds from its common good; while the situation had encouraged Saltcoats, a nearby burgh, to take much of the trade from Irvine.⁴

These examples give a flavour of some of the problems that the burghs claimed to be facing. The source most often used by historians to consider the burghs' condition is the survey of all the royal burghs undertaken by the convention in 1691-2. The results of this would of course be a product of the conditions of the previous years and decades and it is thus very relevant for this study though it falls outside its period. The commissioners in 1691 were given detailed instructions to examine the common good and debt of the burghs, the condition of their trade, shipping and housing, their ability to maintain their public works and pay stipends, and what competition they faced from unfree burghs in their area. All but five burghs were visited, almost all reported expenditure which exceeded their income, and all but three reported that they were in debt: Dunbar was actually owed money, mostly from 'ther owne decayed burgesses', and its trade was negligible; Lochmaben had no public works to maintain and thus no need to incur debt; and Dingwall had sold most of its common good to pay off debts, and had no more debt as it could no longer get credit.

³ ECA, Moses Bundle 210.

⁴ ECA, Moses Bundle 211.

Many of the burghs were overspending by so much, with debt that was in many cases many times greater than their income, that simply servicing the debt would have been very difficult. Of the burghs whose debts were recorded, only Queensferry's was less than its common good. Pittenweem, Renfrew and Elgin were among a number of burghs which imposed these sums on their inhabitants, Elgin imposing a deficit of around £2,200 in one year; though this suggests that some burghs had inhabitants who were not struggling as much as their corporations and could afford to cover their losses. However, other burghs were simply unable to even service their debt. Due to overspending, caused in large part by interest payments, Aberdeen claimed to be contracting £7-8,000 of debt annually, Jedburgh £500 and Kirkcudbright and Selkirk around £300 each. Stirling had not paid interest on £23,000 of debt to its own hospitals since 1680. Many of the burghs complained of the competition from local unfree burghs, some attributing this to the near complete collapse of their trade, while many claimed to have neither foreign nor inland trade. Interestingly only six burghs actually asked for their proportion of the tax roll to be reduced, including Perth, Dingwall who claimed to be near the point at which it would have to resign its privileges, and Fortrose which had already attempted to.⁵ Given that there may well have been some exaggeration elsewhere in the report, this may give a better sense of the reality of the situation. The burghs were certainly struggling, and the smaller ones were in a very poor condition, but there were not many who were so desperate that they thought it worth their while to specifically ask for their proportion of the tax to be reduced.

The claims of the 1692 report in particular have often been taken at face value. Pagan attributed the burghs' problems to misappropriation of the common good by

⁵ 'Register containing the state and condition of every burgh within the kingdom of Scotland, in the year 1692', *Miscellany of the Scottish Burgh Records Society* (Edinburgh, 1881), 53-157. ECA, Moses Bundle 244, contains a summary of the 1692 report produced in 1699, including lists of the debt, common good and discharge of most burghs.

magistrates, as well as the loss of trade (particularly in the east), damage done to harbours by storms and the challenges of unfree burghs. MacKenzie also accepted the claims stating that almost all royal burghs were operating outside their means, with burghs of barony and regality having a disastrous effect on nearby royal burghs.⁶ More recently, however, the accuracy of the report began to be challenged and the claims of poverty and lack of trade were assumed to be exaggerated. Smout criticised those historians who relied on the 'gloomy and prejudiced' report, not ignoring the difficulties but suggesting that they had been overstressed.⁷ In *Scottish Trade on the Eve of Union, 1660-1707*, a more complex picture emerges of trade that was growing in many areas, but was often dominated by Edinburgh, Glasgow or landowners, rather than the merchants of other royal burghs or even the inhabitants of unfree burghs. Overall he presents a picture of revival from the 1640s and 1650s until the 1680s, though it was only after 1689 that the real difficulties began. He states that

Hardly anyone in these years even mentioned the word 'decay', and even the royal burghs who were later to explain to everyone how the loss of their trading privileges plunged them into immediate ruin, hardly got beyond occasional murmurings.⁸

More recent work has tended to follow similar lines. That trade was not in such desperate straits as previously accepted is now clear. Graham highlighted the growth in maritime trade particularly across the Atlantic, though perhaps giving more credit to the new ports in challenging the royal burghs' monopoly, while Woodward suggested that Scottish trade with England was strong as early as the 1660s.⁹ However,

⁶ MacKenzie, *Scottish Burghs*, 153-9; Pagan, *Convention*, 111-2.

⁷ Smout, 'Development and Enterprise of Glasgow', 201-2.

⁸ Smout, *Scottish Trade*, 130-49, 240-4.

⁹ D. Woodward, 'Anglo-Scottish trade and English commercial policy during the 1660s', *SHR*, lvi (1977), 160; E. J. Graham, *A Maritime History of Scotland, 1650-1790* (East Linton, 2002), 37-41, 55.

difficulties in trade are still acknowledged, and while an element of exaggeration in the burghs' complaints is accepted as likely, particularly concerning the challenge from unfree burghs, more credence has been given to their claims. Cullen and Smout stated that, except on the Clyde, 'Scottish growth faltered' in the second half of the seventeenth century.¹⁰ Whatley stated that by the 1670s 'Scots could enjoy conditions that had not been bettered since 1603', yet went on to say that two decades later urban Scotland had 'entered a period of severe difficulty'.¹¹ Aberdeen certainly saw a major decline (in both volume and price) in its plaiding trade. Even Glasgow was near bankruptcy in 1690, while the rise of the burghs of barony was not so great as to compensate for the decline in many of the royal burghs, some of which never recovered from the 1640s and 1650s. Whatley makes it clear that the growth in trade should not be overstated and largely accepts the burghs' complaints of the 1690s, suggesting that the problems some burghs faced in finding magistrates to serve indicates genuine hardship.¹² Whyte, considering populations, noted that many larger burghs other than Glasgow and Edinburgh were declining, but other burghs were growing and the overall picture was one of modest growth or stagnation rather than decline. Yet he does accept the picture presented by the 1692 report that, particularly in the middle-rank royal burghs and in contrast to Bo'ness, a growing burgh of barony which was getting a lot of trade (as seen in chapter one), trade was declining and with it the condition of the burghs.¹³ Lynch's view is that the greatest crisis among the Scottish burghs was in Edinburgh. He also makes it clear that the growth of Glasgow was at the expense of other burghs, particularly on the east coast, while Dundee

¹⁰ L. M. Cullen & T. C. Smout, 'Economic growth in Scotland and Ireland', in L. M. Cullen & T. C. Smout (eds.), *Comparative Aspects of Scottish and Irish Economic and Social History 1600-1900* (Edinburgh, 1985), 3.

¹¹ C. A. Whatley, *The Scots and the Union* (Edinburgh, 2006), 71, 121.

¹² Ibid., 117, 121-6; C. A. Whatley, 'Taking Stock: Scotland and the End of the Seventeenth Century', in T. C. Smout, *Anglo-Scottish Relations from 1603 to 1900* (Oxford, 2005), 114-7; Blanchard et al, 'The Economy: Town and Country', 157; DesBrisay, 'The civil warrs did overrun all', 265.

¹³ I. D. Whyte, 'Urbanization in early-modern Scotland: a preliminary analysis', *Scottish Economic and Social History*, 9 (1989), 26-7; Whyte, *Scotland before the Industrial Revolution*, 176-7.

declined severely after the 1670s and Perth never recovered from the 1650s. Perth is also highlighted as a complainant of the challenge of local market centres, though the impact of these varied from burgh to burgh. Considering the apparent fall in population in some small and medium-sized towns, Lynch also suggests that

the complaints made by many burghs in the 1692 reports of abandoned or ruinous properties, falling trade and general urban decay, which are often treated with scepticism by historians, begin to ring true.¹⁴

The claims of completely decayed trade may well have been exaggerated. Certainly this would have been an area where it would have been easier for the burghs to exaggerate, not necessarily having clear evidence of the state of their trade to present to the convention's commissioners. The details of common good and debt perhaps support the more sympathetic recent historiography, as most burghs presented their accounts to the commissioners, while debt would have required recording. These figures would surely have been much harder to manipulate, giving weight to the claims of decay. Yet even if the claims of poverty in the 1692 survey have a ring of truth about them, they do not give an indication of how the burghs got to that stage through the period covered by this study.

One way this can be examined is to combine different types of appeal to the convention. Requests for reduction in stent are unreliable, as Smout points out, as it is only to be expected that a burgh would pretend 'to be as poor and decayed as possible' to have its own proportion reduced.¹⁵ Not only this, but such requests, even in years when the roll was actually altered, are rarely recorded in the convention minutes. Some were noted in 1661, but it seems that due to the number of such requests they were not

¹⁴ Lynch, 'Continuity and change', 104; Lynch, 'Introduction', 7-8, 23-5.

¹⁵ Smout, *Scottish Trade*, 130.

all recorded.¹⁶ However, even if these requests are not included, the numbers of grants given, visits ordained by the convention to burghs complaining of poverty, discharges of sums owed by burghs and exemptions from attendance at conventions can all be compared to assess the condition of the burghs. This cannot produce a perfect statistical result, with the records of conventions at the 1672 and 1673 parliaments respectively incomplete and missing. However, this data, found in Appendix I, can still provide a better sense of the condition of the burghs than simply looking at trade records, as much of the historiography has done, requests for reduction in stent or the results of the 1692 study.

The results of this examination do in some ways concur with the consensus in the historiography. The final eight years of the period saw more grants awarded and far more burghs discharged of missive dues and particularly fines for absence than any of the three previous decades, with as many visits ordained as in the whole of the 1650s. It is surprising that fewer exemptions were granted than in the previous decades, but this is more than balanced by the huge numbers of burghs which had their fines for absence discharged. There are, however, some slightly more surprising results. The figures in all categories in 1661-70 are far lower than in 1671-80, when trade is generally thought to have been strongest, and are similar in most respects to those from the 1650s. It could be argued that this was simply because the convention in these two decades, with the burghs still struggling with the effects of civil war and occupation, could not afford to provide much assistance. This may well be the case for the 1650s, as thirteen visits were ordained yet only one burgh was actually given a grant to help it, while Dumfries was not helped as there were no funds available. On the other hand less appeals went to other bodies in the 1650s than in the Restoration period, and it

¹⁶ *RCRBS*, iii, 536, 654.

seems that overall it was not as difficult a decade for the burghs as some have suggested. The absence of any visits to burghs in 1661-70 suggests that fewer burghs were even appealing to the convention in this decade. The decision to ask burghs to give voluntary contributions, rather than giving direct grants, also suggests that the burghs felt that this course would be more profitable than simply handing out a sum of money, which would imply that there was money available in the burghs to be collected. Overall, the figures suggest that the burghs in the 1650s, and certainly the 1660s, were not in such a poor condition, and that while trade may have picked up in the 1660s and 1670s, the condition of the burghs was already declining noticeably in the 1670s.¹⁷

In terms of the sizes of the burghs, the vast majority were small, paying less than £1 in every £100 on the burghs' tax roll, a category which accounted for forty-eight of the sixty-four burghs in the 1670 and 1683 rolls, or 75%, having gone up from 62% and 65% in 1612 and 1649 respectively. The eleven mid-sized burghs – which were all, except Kirkcaldy in 1683, paying between £1 and £3 of every £100 – accounted for 17% (reduced from fifteen burghs at 28% and 25% in 1612 and 1649), with the five largest making up the remaining 8%. Of the 203 occasions specific burghs were named in this examination, 173 were small burghs, including all of the exemptions. These may skew the figures as it could be expected that any appeals for exemption from a large or mid-sized burgh would be less likely to be accepted as the Convention relied more on these burghs. If exemptions are excluded, seventy-eight (72%) of the appeals were from small burghs, twenty-six (24%) from mid-sized burghs and only four (4%) from the five largest burghs. This suggests that, although mid-sized burghs accounted for a higher proportion of these appeals than their overall numbers, the appeals were

¹⁷ See Appendix I for figures in this and the following paragraph.

proportionally what might be expected from small and mid-sized burghs. Both categories of burgh seem to have been struggling economically, but it is harder to judge from these appeals how much the largest burghs were struggling. Edinburgh and Dundee at least, as seen in chapter one, were less likely to appeal to the convention. Glasgow accounted for three of the four cases involving a large burgh. This cannot be taken to mean that Glasgow was struggling more than the others, as it saw its proportion of the tax roll more than double between 1649 and 1683.¹⁸ Therefore, to assess the situation of the larger burghs, other means are necessary.

These details from the convention's records can be combined with data from the burghs' own records to enhance further our understanding of the condition of the burghs. Looking at the common good accounts of a burgh can give a sense of whether it was operating outside its means, and as well as the burghs examined in the sample for this project there are at least summaries of the accounts of many burghs in the exchequer records in the National Archives of Scotland and some details in printed records. This is, again, not a perfectly reliable means of looking at the condition of the burghs, as the detail in accounts varies greatly and Dundee at least had information recorded in more than one set of accounts. Debt can also be examined, though this also carries its difficulties. Some burghs did not include debt at all in their accounts, so records of interest being paid must be relied on. Others did not even record this, though the council minutes show debts being incurred and repaid. Debts owing to a burgh are often not recorded either, but the examination of council minutes and accounts of the burghs in the sample has revealed very little lending by burghs. While this means that a high level of accuracy is unattainable in terms of the amounts of debt

¹⁸ Smout, *Scottish Trade*, 282-3.

and the extent of profit or loss being made on common good each year, a general picture can be built up to add to that gained by the appeals to the convention.

Appendix II contains the balances of the accounts of fifteen burghs for most years between 1651 and 1688, and the record of their debt in the years when totals were recorded. It includes all five of the largest burghs, six mid-range burghs and four small ones, with a range of regions covered. Unfortunately among the small burghs covered in the survey for the thesis and those in the exchequer records, few have surviving runs of accounts, which means that the largest category of burghs has the fewest examples in this examination. Unsurprisingly the results show great variation, though there are some trends and some interesting exceptions.

Only eight burghs have more than one balance recorded from 1651-60, with most of them having mixed fortunes but Aberdeen, Dumfries, Dundee and Stirling generally doing quite well in their balances. Dundee successfully reduced its debt from just under £39,000 in 1652-3 to just under £27,000 in 1656-7. However, by 1659-60 it was back to only £1,300 under the original amount. Perth also saw a rise in its debt from just over £28,500 in 1655-6 to just over £40,200 in 1660-1. However, while Stirling's debt rose by £1,400 over two years in the middle of the 1650s, by 1660-1 it was reduced by £8,200 to £18,200. It seems that some of the larger and mid-sized burghs were not too adversely affected by the 1650s. Edinburgh, however, appears to have struggled much more with the situation than other burghs. After a negligible profit in 1651-2, all of the six years recorded after that showed deficits, while its debt reached £708,000 in 1660.¹⁹

¹⁹ See Appendix II for figures in this and following paragraphs.

After the 1650s, some burghs seem to have been almost constantly in deficit. Dundee saw profit in only one year (1681-2). Its debt peaked at £46,678 13s 4d in 1667-8, with a drop to £15,134 13s 4d by 1681-2 showing that its financial difficulties were being effectively managed. Unfortunately there is no record of how these debts were repaid, with no extra sources of income recorded in the burgh's accounts or its council minutes. There were three standard ways of paying off debts – further borrowing, impositions, and stents on the inhabitants, all of which are discussed further below. The first would obviously not reduce overall debt, while the second would require a warrant from the crown and would almost certainly be included in treasurer's accounts or council minutes, meaning that the most likely scenario in this case is that Dundee's inhabitants were stented to help pay these debts off. Whether or not this was the case, the situation seems to have turned round after 1682 with major deficits and its debt in 1688-9 rising again to around £31,200. Perth also struggled throughout the period, with the few years at the end of the 1660s and 1670s where it saw profits in its accounts also seeing the debt rise by over £13,000 to £61,733 6s 8d. The smaller burghs Elgin and Forfar also saw almost constant deficits in these years, though without levels of debt it is hard to gauge their true situation; Dundee was also operating on annual deficits while reducing its debt.

Much of the data, however, suggests that the 1660s, particularly the later years, into the 1670s, were years of some success for the burghs, which confirms the view of the more recent historiography. Some burghs took longer to pick up than others, with Ayr showing profits in almost every year of the 1660s, a decade in which Dumfries struggled, after which it saw profits until 1677. Edinburgh saw profits every year between 1665-6 and 1673-4, with its debt in 1677 reduced to under £440,000. Also unsurprising is the increase in problems for the burghs in the latter part of the 1680s,

with Dundee's debt rising significantly in this decade. What is perhaps surprising is that these problems actually seem to have grown in the 1670s or even earlier. In every year recorded since 1668-9 Montrose recorded a deficit, though the highest came in the 1680s. Stirling's decline also seems to have begun, judging by its deficits, at the end of the 1660s. However, while it was not making profits, its debt was at least being serviced until after 1678-9, having been only £100 different in 1654-5 and 1678-9, but more than doubling by 1686 to over £55,588. Ayr also seems to have been struggling since the mid-1670s, a period in which the burghs have been considered to have been doing quite well. Edinburgh also, having seen profits between 1665-6 and 1673-4, had deficits in every year recorded after that.

This general picture of difficulties in the 1680s should be tempered, however, with Perth, despite its constant deficits, seeing a reduction of its debt from £82,903 6s 8d in 1678-9 to just over £51,000 in 1687-8. Glasgow's accounts do not show constant deficit, but there is a suggestion, with three out of six years from 1679-80 showing deficits, that things were getting more difficult in the 1680s. Its council minutes do seem to echo this, as it increased its excise on malt in order to defray the burgh's debt, which included at least 20,000 merks (£13,333 6s 8d) to the Archbishop of St Andrews alone.²⁰ Glasgow had, however, experienced only a few deficits before this, two of which came in the early 1670s, just after it had built its new port which may partly explain them, and throughout the period its accounts show that it was regularly able to pay off debt from the common good.

The most surprising examples which do not seem to fit the picture of difficulties in the 1680s are St Andrews and Peebles. In every year recorded after 1674-5 (seven totals,

²⁰ *Glas. Recs.*, 1663-90, 339-41, 382.

two of which covered two years' accounts) St Andrews saw profits, some of which were surprisingly large for a burgh which had an annual common good income of between £2,000 and £2,500. Balances are recorded for Peebles for eleven of the fourteen years after 1675-6, including all of the 1680s, and despite its deficits throughout the 1660s, all of these years show profits. Its common good does seem to have increased significantly in this period, but as it amounted to between £2,500 and £3,000 some of its profits are even more impressive than those of St Andrews. Neither burgh appears many times in the list of appeals in Appendix I, although St Andrews had its proportion on the tax roll reduced so that by 1692 it was little more than a sixth of what it had been in 1649. Its profits may simply have been insufficient to pay off debts and do the work required to maintain the burgh. Peebles on the other hand may just have been an unusual case of a thriving small burgh, despite the small reduction in its proportion in 1692, perhaps benefiting from overland trade with England.²¹

Interestingly, Banff also records profits through the mid-1680s. However, close examination of the accounts reveals that around half of the income was money gathered from the inhabitants, often several times a year, to pay both its share of the national assessment and the convention's missive dues, as well as, in 1688, the charges of the burgh's commissioner to the convention and its minister's stipend. By the end of the decade, despite these sums being included (in itself unusual among the burghs), it was seeing losses. Judging by the small amount of detail recorded in the council minutes Banff's common good income actually increased in the 1670s with a new fair, and remained steady from then on. Yet it seems clear that even regular impositions on the inhabitants could not ease the burgh's difficulties.²² Unfortunately not enough

²¹ Smout, *Scottish Trade*, 282-3.

²² ASA, Banff Burgh Account Book, 1684-1694; Burgh of Banff Court Book, 1649-1682.

detail remains in Peebles' and St Andrews' records, but this provides another possibility for their apparently anomalous balances.

The general picture given by these figures is that the 1650s were far from disastrous for most burghs, while many saw some recovery in around the first decade and a half after the Restoration. As much of the historiography suggests, by the mid- to late-1680s their economic condition was getting more difficult, but these figures suggest that the decline seems to have begun for most burghs in the 1670s. This may indicate that the competition of the proliferating unfree burghs and market centres may actually have had a greater impact than many historians have allowed, particularly after the 1672 act. Even if the effect on foreign trade was indeed minimal, more legal market centres would mean that people had more places to take their products for sale, which should mean in turn that the revenue from petty customs in the royal burghs would be reduced, reducing the value of the common good. The records of the amounts for which the common good of burghs were set would give a better idea if this were the case, but those of Ayr, Glasgow and Stirling, represented in graphs in Appendix II, indicate that the situation is not as simple as this as there is no clear pattern of decline after 1672. There are many difficulties to a fuller study of trends in income from tacks of common good, not least the irregular recording of it by many burghs. A deeper examination into the condition of the burghs, with a full consideration of the reasons for their apparent struggles, would be better placed to assess this data properly; but it is clear that there are no simple explanations for the deteriorating condition of the burghs, and that it certainly cannot be entirely blamed on the 1672 act and competition from unfree burghs.

Even at times when the burghs seem to have been doing quite well, there was still clearly a residual problem with their debt, which only got worse by the end of the 1680s. Almost all of the sixteen burghs in the thesis sample have clear evidence of debt, rather than just those for which totals are recorded in Appendix II, though inevitably to varying degrees. As seen above in the appeals to the convention, debt was often mentioned as one of the difficulties a burgh was undergoing. The only intervention recorded was in 1677 when the convention approved an act of Jedburgh's council for borrowing money from neighbours and gentlemen to defray their debts and expenses, presumably an issue of some controversy within the burgh.²³ The convention was concerned that the burghs' common good was properly administered and would presumably consider debt when appeals were made, but they were not in a position to intervene directly simply to help deal with a burgh's debt.

Urban long-term debt was not a problem unique to Scotland. Across Europe towns resorted to borrowing when it was not possible to raise sufficient sums of money quickly enough through taxation. As in Scotland, levels of debt well above annual revenue was not uncommon, and neither was failure to meet interest payments.²⁴ As seen above, almost all of the burghs were struggling with debt by 1692, some to the extent that they had to borrow simply to cover interest payments, and this was not a new problem in the 1690s. The only small burgh to show debt totals in Appendix II is Dumbarton, whose debt in 1681-2 was £4,800, much more than double the income from its common good in the same year which was unexceptional at just over £1,890.²⁵

²³ *RCRBS*, iv, 2.

²⁴ M. Boone, K. Davids & P. Janssens, 'Urban Public Debts from the 14th to the 18th Century. A new approach', in Boone, Davids & Janssens (eds.), *Urban Public Debts: Urban Government and the Market for Annuities in Western Europe (14th-18th centuries)* (Turnhout, 2003), 6, 7-8; J. D. Tracy, 'On the Dual Origins of Long-Term Urban Debt in Medieval Europe', in Boone, Davids & Janssens, *Urban Public Debt*, 24; M. van der Heijden, 'State Formation and Urban Finances in Sixteenth- and Seventeenth-Century Holland', *Journal of Urban History*, 32 (2006), 445-6.

²⁵ WDA, Dumbarton Council Records, 1/1/4, 324.

Stirling, a mid-sized burgh, saw its lowest debt in 1660-1, totalling £18,200. This was around three times more than the income from that year, which was just over £6,700, while the income in 1686-7 was just over £4,200, when its debt reached more than thirteen times this sum at £55,000.²⁶ The large burghs seem to have been no better off. Perth's lowest debt in the period was around £28,000 in 1661-2 while its highest was almost £83,000 in 1675-6. In those years its income was £22,000 and just under £47,000 respectively. The latter total was unusually high, partly due to Perth's habit, apparently not particularly common practice among the burghs, of including sums borrowed in the main accounts. However, in the same year Perth also indicated that it was in credit to the sum of £12,000, which would partly account for the drop in their debt in subsequent years.²⁷ Dundee, despite being valued above Perth in the tax roll and a more significant trading burgh, had a much smaller common good. Its lowest recorded debt in the period was around £15,000, in 1681-2 when its common good income was just under £6,400. Its common good in 1667-8, however, was only £5,500 when its debt had reached almost £47,000, eight and a half times its income.²⁸

The only other burgh to show any debt totals is Edinburgh, and the extent of it is staggering. The lowest total shown in its council minutes was around £440,000 in 1677, after its common good had brought in only just over £38,600. The debt was just over eleven times the income, but with interest rates at 6% the common good income was higher than annual interest (£26,400). The highest debt shown was around £708,000 in 1660, with the income from its common good in 1660-1 totalling only £28,500, a mere 4% of the debt; interest on it would have been more than £40,000.²⁹ The common good income would of course be required to pay far more than interest,

²⁶ NAS, Common Good Accounts etc: Stirling, E82/55/5; SCA, Burgh Treasurers Accounts, B66/23/1.

²⁷ PKA, Treasurer's Accounts, B59/25/4/2; Treasurer's Accounts 1675-1676, B59/19/6.

²⁸ DCA, Treasurers' Account Book 1646-96.

²⁹ *Edin. Recs.*, 1655-1665, 338; *Edin. Recs.*, 1665-1680, 407-8.

and the extent of Edinburgh's problems at this time is evident in its struggles to pay its ministers' stipends; by 1653 it had borrowed over £25,000 for this purpose. In 1659 £4,000 was borrowed to pay off part of £10,400 owed to the ministers, on the same day that the treasurer was shown to have paid £23,000 simply for interest on the burgh's debt. The provost and other members of the council advanced 25,000 merks (£16,666 13s 4d) the same year to pay the ministers, and a year later it was shown that the £86,281 of debt contracted since 1650 was mainly to pay their stipends.

Edinburgh's problems only got worse with the reinstatement of the bishops, as discussed in chapter two, as it had had the right to the income from the bishopric of Orkney for paying its ministers' stipends and had to ask the inhabitants of the burgh for some scheme to supply the deficit of nearly 15,000 merks (£10,000) *per annum*. It did receive a permanent gift from parliament of an imposition on wine, but still had to borrow money to pay the arrears.³⁰

Interestingly, considering the extent of its debt, Edinburgh did not at the start of the period seem to have had too much problem gaining credit. It particularly borrowed from the senators of the college of justice, owing them £45,000 by 1654. Although it was pressed to repay its debt throughout the 1650s, even being threatened with losing its superiority over Leith if it did not pay, the debt was not paid and in fact it decided to borrow more in 1662 to make the total debt £10,000 sterling (£120,000), at which level it seems to have remained even in 1685. It also seems to have had a separate debt of around £75,000 to the college.³¹

³⁰ *Edin. Recs.*, 1642-1655, 320; *Edin. Recs.*, 1655-1665, 158-9, 225-6, 264-5, 271, 301, 304, 310.

³¹ *Edin. Recs.*, 1642-1655, 357, 360-3; *Edin. Recs.*, 1655-1665, 3-4, 77-8, 135, 284, 328; *Edin. Recs.*, 1681-1689, 148.

There were occasions when credit was harder to come by. On at least one occasion the treasurer was asked to provide £300 sterling (£3,600) on his own credit, while a former treasurer was given a bond promising repayment rather than actually having the balance of his accounts paid directly to him. This was not uncommon among the burghs, and neither was the practice of borrowing money from other institutions within the burgh. By June 1688 the burgh owed 54,000 merks (£36,000) to the invalid money, and hospitals and funds dedicated to relief seem to have been favourite sources of loans for burghs, as were kirk sessions.³² Stirling was another burgh which seems to have habitually borrowed from its hospitals, to the extent that the hospitals, on their own accounts, were asked to lend money to each other, to borrow money to help the poor and even to give bonds for money owed by the burgh, with at least one of them getting into sizeable debt.³³ This case demonstrates appalling mismanagement of a public fund, but the fact that such institutions had enough money to lend to the burghs suggests that while the corporations were struggling, enough people within the burghs were doing well enough financially to give money to these institutions.

Edinburgh does, however, seem to have recognised that it could not always repay debts simply by borrowing and was certainly able to pay off a significant part of its debt. In 1669 it was decided that the treasurer should set aside 20,000 merks (£13,333 6s 8d) from certain of the town's rents to pay off creditors. Two years later however it was realised that this was ineffectual as only around 8,000 merks (£5,333 6s 8d) was being set aside. Another attempt was made in 1676, with certain parts of the common good again set apart to pay the burgh's debts, and strict orders were given in light of the

³² *Edin. Recs.*, 1655-1665, 291; *Edin. Recs.*, 1681-1689, 24, 225, 236.

³³ SCA, Council Records, B66/20/4, 3 & 6 May 1654; Council Records, B66/20/5, f.36r; Council Records, B66/20/6, ff.171v, 182v, 199v, 204r, 212r, 220r.

previous failure for this money to be used only for this purpose.³⁴ Yet although the debt was reduced between 1660 and 1677, by 1691 it had climbed to £771,000, indicating that it could not continue to manage its long-term debt effectively.

Many other burghs were in a situation where they regularly had to borrow simply to pay off debts which were called in by their creditors, suggesting that some at least were on the brink of insolvency. Though the sum of its debt is not often clear, Kirkcaldy is a good example of some of the difficulties that the situation posed for the burghs. Impositions on certain goods, taxes on the inhabitants and loans were all employed to try to pay off debt. Even though not all of the debt was paid with other loans, the burgh does not seem to have made much of an impact on the overall amount as money to pay debt continued to be collected throughout the period. The burgh had to repair the harbour, the tolbooth and a bridge, and significant amounts were borrowed for these projects, while it also at times struggled to pay its minister's stipend and other sums. By 1687 the debt was at nearly £26,000, in a burgh with a common good income in 1664-5 (the only year available) of only £1,100, though as its proportion in the burghs' tax roll was raised in 1670 it may have improved by then. Not only this, but it regularly faced difficulties in actually getting the money from its inhabitants, with many deficient in paying despite the threat of soldiers being quartered on them or even imprisonment.³⁵ Although debts were paid off at times, it is clear that the other expenses left the burgh in great and apparently increasing difficulty.

Attempting to raise money through stents on inhabitants was widespread and provides further evidence of the struggles the corporations were having. Aberdeen and

³⁴ *Edin. Recs.*, 1665-1680, 64-5, 107, 278.

³⁵ FCA, Kirkcaldy Burgh Council Minutes, B/KDY/1/1/1, *passim*; FCA, Kirkcaldy Burgh Council Minutes, B/KDY/1/1/1, *passim*, to f.83; NAS, Common Good Accounts: Kirkcaldy, E28/37/1.

Inverness, and to a lesser extent the small burgh of Rothesay, are notable in their use of this method, with sums of up to £16,000 in Aberdeen's case being regularly imposed on the burgh. These sums were for payment of debts and interest, public dues such as the excise and even stipends, commissioners' charges, convention dues, balances of treasurer accounts and public works, sums which should have been paid out of the common good income. Following an appeal from a resident of Inverness in 1663 the court of session decreed that stents could only be imposed after a meeting of the burgesses was called to show them why such an imposition was necessary and to seek their approval. The fact that, despite this safeguard, they continued to be imposed regularly in these and others burghs is another indicator of their necessity.³⁶

Some smaller burghs were also experiencing difficulties regarding their magistracy due to their debt. Pittenweem's bailies refused office in September 1659 because they were unwilling to take the risk of being prosecuted for the public burdens laid on the burgh, with the lack of trade making these burdens difficult to defray. Two of them eventually took office as did the other two after being ordered to do so by parliament. Crail in 1675 was given some relief from the dues it owed the convention after it was found to have been unable to elect magistrates for four years due to 'severall debts and captions against the said burgh and their magistratts', and Dysart was in a similar position in 1687, having had no magistrates for three years.³⁷ There are other indicators of the financial difficulties of the burghs. Anstruther Wester was struggling so much with its public burdens, due to a loss of its trade, that the convention agreed to help it appeal to parliament for a reduction until 'they come to some treading quhairby they

³⁶ ACA, Aberdeen Town Council Registers 1/1, lv, 88-9, 248-9, 357-8, 485-6, 585-7; Aberdeen Town Council Registers 1/1, lvi, 208-10, 322-4; HCA, Inverness Council Minutes, 1/1/4, 75, 88v; Inverness Council Minutes, 1/1/5, 7, 17r, 34v, 45v, 49r, 67, 91r, 114v, 127r, 191r; *Rothesay Town Council Records 1653-1766 Vol. I*, ed. M. B. Johnston (Edinburgh, 1935), 83-4, 348, 424-5; MacKenzie, *The Scottish Burghs*, 161.

³⁷ SAUA, Pittenweem Council Minutes, B60/6/1, f.71r; RCRBS, iii, 654-5; RCRBS, iv, 70.

may be in capacitie to beare burthen with the rest of the burrowis'.³⁸ Ayr claimed an inability to provide any supply for repairing Dundee's harbour 'in respect of the bad condition of thair oun harbour and that they are not at present in condition to repair thair own works and ffarr less to grant supplie to ane uther Burgh'.³⁹

Bearing all these difficulties in mind, and before considering the effect that the financial condition of the burghs had on the convention itself, it must be considered that their difficulties should not be overstressed and there is evidence of burghs able to invest in various projects. Stirling paid £11,524 16s consistently between 1666 and at least 1676 to take in tack the excise of the shire and burgh, though this seems to have been unprofitable as in 1684, when offered it again, the council decided not to take it as it had incurred great loss through it in the past.⁴⁰ As late as 1687 Aberdeen and Kirkcaldy combined to offer £500 sterling (£6,000) *per annum* for five years to take on some impositions the king had granted to the conservator.⁴¹ Some burghs were buying land, Dundee spending 17,500 merks (£11,666 13s 4d) to buy some from the laird of Blackness and Glasgow spending £32,300 to buy storehouses at Greenock from the royal fishing company.⁴² The most famous example of Glasgow's success was the building of their new deep water harbour on the Clyde in 1669, having spent 13,000 merks (£8,666 13s 4d) to buy the land from the laird of Newark, an investment that was both a result of and a contributor to their increased trade, including across the Atlantic.⁴³ Glasgow should not be taken as representative of the conditions of the burghs in general, however, as it was clearly in a stronger position than most if not all others. Struggles seem to have been the norm, but chapter one has shown that many

³⁸ *RCRBS*, iii, 532.

³⁹ AAC, Ayr Council Minutes, B6/18/4, f16v.

⁴⁰ SCA, Council Records, B66/20/5, ff.55v-56r, 64r-65r, 72r-73v, 95r, 102v, 108v, 133v; Council Records, B66/20/6, ff.206v-207r.

⁴¹ *RCRBS*, iv, 69-70.

⁴² DCA, Council Book, vi, f.159v; *Glas. Recs.*, 1663-90, 344.

⁴³ *Ibid.*, 101.

merchants were very active in trading, using unfree burghs as well as royal burghs of which they were not burgesses. It seems that while many burghs were in a very poor financial condition some merchants were flourishing, to the detriment of their own and other burghs.

The convention and expenses

Given that the burghs were struggling financially, to the extent that some seem to have been at least approaching bankruptcy, the key questions here are what impact this had on the convention as a whole, and what impact the convention had on the burghs' financial condition. Part of the answer to the latter question lies in the economic policies the burghs pursued, which had the potential to improve or limit the trade coming through the burghs. The government's economic policies have been generally viewed sympathetically in the historiography. The effectiveness of these policies is accepted as limited, though there is some dispute over why this was the case: Smout argued that it was because 'those common assumptions that directed policy were often ill-considered and unwise', while Whatley and Devine both implied that the policies themselves were good. Whatley echoed contemporary observers in their criticism of the landed classes defence of their privileges, which further hindered a government which was simply unable to support its own legislation, while Devine suggested that the landed élites shared the crown's desire for an increase in 'national economic power'. Within these shades of opinion, however, this desire of the crown seems to be generally acknowledged. It was not pursuing its policies out of self-interest, but sought the 'unleashing of Scotland's overseas trading potential' and the improvement of its manufacturing, in order to improve its economy.⁴⁴

⁴⁴ Graham, *Maritime History*, 55; T. M. Devine, 'The Union of 1707 and Scottish Development', *Scottish Economic and Social History*, 5 (1985), 27; Whatley, 'Taking Stock', 119-20; Smout, *Scottish Trade*, 23; Whyte, *Scotland before the Industrial Revolution*, 171, 274; R. H. Campbell, 'The

The attitude of the royal burghs has, by contrast, been viewed with almost complete antipathy. They have been seen as jealous defenders of ‘harmful’ privileges, with more interest in maintaining these and resisting competition than in ‘promoting new enterprises’. Even Keith in 1913 suggested that, ‘when after the civil war Scottish trade and industry began to grow along more modern lines [the convention] failed to develop with them’.⁴⁵ Given the importance of foreign trade, the continued preservation of the staple port in the Netherlands has been seen as particularly symptomatic of the desire to keep trade in the hands of the merchant burgesses of the royal burghs, though Smout does acknowledge the benefit of the staple in giving merchants a place to land goods free of duty; in keeping it, the convention ‘may have been cannier than historians have usually allowed’.⁴⁶

Contemporaries attributed this conservatism to the merchants as a whole, which, given that the convention was made up almost entirely of merchants, is a plausible conclusion. More recent work, however, has been careful to acknowledge the disparity between the views of those with the most power within the burghs, as represented in the convention, and other, more progressive, elements within the merchant class.

Devine goes as far as to say that the ‘Scottish merchant community on balance ... favoured progress rather than privilege between 1680 and 1740’.⁴⁷ This may be going a little far as regards the period of this study, as it is clear that the convention was still very firmly rooted in its protectionist principles. One burgh for which it could be said

Enlightenment and the Economy’, in R. H. Campbell & A. S. Skinner (eds.), *The Origins and Nature of the Scottish Enlightenment* (Edinburgh, 1982), 17-8; Mackenzie, *The Scottish Burghs*, 144; W. R. Scott (ed.), *The Records of a Scottish Cloth Manufactory at New Mills, Haddingtonshire, 1681-1703* (Edinburgh, 1905), xxxviii.

⁴⁵ Keith, ‘The influence of the Convention’, 268, 271; Whatley, ‘Taking Stock’, 120; Whyte, *Scotland before the Industrial Revolution*, 274; Smout, *Scottish Trade*, 79.

⁴⁶ Smout, *Scottish Trade*, 79, 187, 190; T. M. Devine, ‘The Scottish merchant community 1680-1740’ in Campbell & Skinner, *The Origins and Nature of the Scottish Enlightenment*, 28; Keith, ‘The influence of the Convention’, 264; Davidson & Gray, *The Scottish Staple*, 341.

⁴⁷ Devine, ‘The Scottish merchant community’, 27, 28, 34-7; Smout, *Scottish Trade*, 78.

to be true is Glasgow, where the merchants as a whole seem to have been particularly enterprising. In the 1690s they complained against the staple port as a hindrance to trade, and Smout describes the burgh as a whole as 'a most enterprising pioneer both in industry and commerce'. He notes that two burghs which boasted of the grip the merchants had on government and the closed ranks of the merchants, Aberdeen and Ayr, were struggling in their trade. On the other hand, Glasgow had an unusual level of social mobility and a much more open merchant class, and he suggests that this is one among many reasons for Glasgow's economic success. Where merchants were prepared to be more open and innovative, they were also able to be more prosperous.⁴⁸ This certainly seems to fit with the convention's problem, discussed in chapter one, with merchants undermining the system it tried to protect by trading through burghs in which they were not burgesses, and even through unfree burghs. While the corporations were struggling economically, some merchants at least were prospering.

As an aside, it might also be possible that the convention's adherence to its monopolistic trade agenda prevented any increasing investment in the burghs by landowners. Clark and Slack have suggested that English towns by the end of the seventeenth century 'were beginning to ... welcome gentry interference for the economic gains which subsequently accrued'.⁴⁹ The Scottish burghs were determined not to allow the landowners to interfere in their affairs, largely through the attempts to exclude their unfree burghs from trade. A study of the interaction between individual burghs and the landed classes would be able to determine this more fully, but it seems likely that the monopolistic agenda ensured that landowners did not support and bring business to the existing markets in the royal burghs, bringing neither profit or

⁴⁸ Smout, 'The Glasgow merchant community', 70; Smout, 'The development and enterprise of Glasgow', 202; Smout, *Scottish Trade*, 70; Devine, 'The Union of 1707', 26-7; C. A. Whatley, *Scottish Society 1707-1803: Beyond Jacobitism, towards industrialisation* (Manchester, 2000), 26.

⁴⁹ Clark & Slack, *English Towns in Transition*, 159.

investment to them. Instead they invested in developing their own market centres, and while merchants profited from their trade, their burghs did not.⁵⁰

Aside from policies which seem to have hindered the burghs' growth, their membership of the convention inevitably involved expense. It has been seen above that Ayr was unable to provide a contribution for Dundee's harbour repairs. Certainly financial difficulties would mean that burghs were less able to help each other, though the rise in grants awarded from 1675 indicates that there was still some willingness to contribute financially to other burghs. There are some indications that this willingness was decreasing, notably with Aberdeen's attempts in 1671 to make sure it was given aid before Ayr was, though it expressed its desire to help Ayr above other burghs. It was unsuccessful in this and did agree to help Ayr, but continued to protest its own poverty and seek similar aid.⁵¹ In the previous year Pittenweem had refused to take a collection for Dundee after Dundee had refused to grant any supply for its own harbour in the late 1650s.⁵² The convention often had to remind burghs to uplift collections for other burghs, even when the privy council had awarded the contribution. Those which failed to give money would sometimes be asked to bring it to the following meeting of the convention, presumably to make sure that they did indeed provide something.⁵³ Some burghs were perhaps reluctant to allow money which could be used to support their own burgh to be collected for another burgh's use, but in the convention as a whole there was clearly still a recognition of the need for mutual support despite, or perhaps because of, the difficult financial situation.

⁵⁰ Smout, *Scottish Trade*, 73-8.

⁵¹ *ACL*, v, 150, 447-8.

⁵² SAUA, Pittenweem Council Minutes, B60/6/1, f.86v.

⁵³ *RCRBS*, iii, 588, 628; *RCRBS*, iv, 22, 35, 65.

Yet even aside from the money that the burghs were expected to give to help each other, and the handouts provided for some burghs, membership of the convention entailed some significant expenses. As well as the expense in sending a commissioner to meetings, a few burghs incurred the expense of hosting the general convention. As seen in chapter two, the 1650s effectively ended the practice of holding general conventions in a different burgh each year, and all but seven (one of those being short-lived) were held in Edinburgh. Unfortunately not much information remains regarding how much hosting the convention cost a burgh in this period. Glasgow paid someone £66 13s 4d for writing the missives to the burghs, as well as some other services, and a further £30 to the burghs' post for delivering the missives. Some of this money may have been reclaimed, as Aberdeen's clerks depute were told to claim the allotted £40 for writing and sending the missives. Certainly when a meeting was not actually held in the burgh which sent the missives – as with Cupar in 1653 and Aberdeen in 1661-4 – the convention paid the expenses involved.⁵⁴

Very little record of expense exists for the general convention which did eventually sit in Aberdeen in 1665, nor for that in Dundee in 1671. A little more detail is extant for that in Perth in 1673: £345 4s was spent initially on wine and confections for the meeting, when the treasurer was told to get meat and ale

And doe everie thing for making the said conventione splendid, that no thing may be left undone that should be gon about And als Appoynts the heall comissioners to be heer from the severall burrowis, to be admittit burgesss suae maney as ar not alreadie burgesses.⁵⁵

⁵⁴ GCA, Council Minute Book, C1/1/13, 21 Nov. 1657; ACA, Aberdeen Town Council Registers 1/1, liv, 260-1; *RCRBS*, iii, 413, 472, 575.

⁵⁵ PKA, Perth Town Council, B59/16/9, f.35r.

Several people were paid 20 shillings for attending and serving at ‘severall treats given by the toune’, and the treasurer’s accounts contain at least £466 11s 4d spent on the convention, though the accounts are not always clear on what items were for the meeting and it is likely that more was spent.⁵⁶ A little more exists in Stirling’s accounts regarding its expenses when the burghs sat there in 1674, even though they were there for only two days and the only business done was to set up a particular convention to discuss the missive. The burgh gave one of its officers £50 for taking the missives to the burghs, with a further £241 6s spent at the convention and given to the provost (for an unspecified purpose), and most remarkably £874 2s 6d for giving the convention ‘ane treat’.⁵⁷ Glasgow the following year spent £76 on having the missives written and delivered, and a further £888 10s when the burghs were present.⁵⁸ This is significantly more than at the end of the previous century, when banquets for the convention in Aberdeen and Glasgow cost just £190 5s 8d and £170 9s respectively. That in Dundee in 1587 cost just £81 0s 4d, with the total costs of the convention coming to £91 6s.⁵⁹ Given the evidently huge increase in expense by the Restoration period, there seems to have been a desire on the part of the hosts to impress the other burghs when they were present, and this would have been quite a strain on a mid-sized burgh like Stirling. This could explain why there were only one or two burghs which dissented about the fact that general conventions were almost always held in Edinburgh, as highlighted in chapter two. The fact that the general convention in Aberdeen also saw the second highest number of absentees in the period, some complaining of the distance they had to travel to get there, probably also accounts for this lack of complaint.

⁵⁶ Ibid., f.36r; Treasurer’s Accounts 1672-1673, B59/19/3.

⁵⁷ NLS, Common Good Accounts etc: Stirling, E82/55/5.

⁵⁸ GCA, Council Minute Book, C1/1/16.

⁵⁹ Thanks to Alan MacDonald for providing these references: ACA, Treasurer’s Accounts 1595-6, TA1/1; GCA, Book of the Acts of the Burgh and City of Glasgow 1588-1590, C1/1/3, f.193r; DCA, Treasurer’s Accounts, i: 1586-1600.

Simply attending the convention could be expensive for burghs and missive dues had to be paid, as well as the share of the sixth part of national taxation which was levied on the royal burghs. Pagan noted Sir George Mackenzie's comment that many small burghs had been forced to become royal burghs (a somewhat exaggerated claim) and could not afford the expense of their responsibilities as such.⁶⁰ There is some truth in this. Sending commissioners to the convention was not cheap and of course got more expensive the further away a burgh was from Edinburgh, where almost all of the meetings were held.

Many burghs seem to have had a standard amount which they would pay their commissioner for each day of their absence, sometimes with horse hire allowed as an extra expense. These amounts were similar to, if sometimes a little lower than, those paid for commissioners to parliament in this period and preceding decades, and varied slightly depending in part on the size of the burgh. Ayr and Perth both allowed £5 per day, but Dumbarton in 1660 allowed only 40s plus £5 for horse hire. Perhaps partly as a consequence of the increased length of time commissioners had to be away at long sessions of parliament, or simply due to inflation, this sum was obviously deemed insufficient and by the 1680s had been raised to £3 per day.⁶¹ Dumfries also raised its allowance, which was £3 per day at the end of 1661 and within a few months had been raised to 5 merks (£3 6s 8d), at which level it remained until 1675 when it was raised again to the same level it had been for parliament or conventions of estates, £4 per day.⁶²

⁶⁰ Keith, 'The Trading Privileges', 678.

⁶¹ AAC, Ayr Council Minutes, B6/18/2, f.159r; PKA, Perth Town Council, B59/16/10, f.41r; WDA, Dumbarton Council Records, 1/1/3, 21 July 1660; Dumbarton Council Records, 1/1/4, 451; MacDonald, *Burghs*, 85-7.

⁶² DAC, Council Book, WA2/2, f.192v; Council Book, WA2/3, f.50r; Council Book, WA2/4, f.78r.

These expenses alone did not represent a great expense for the burghs, even when the regularity of meetings is taken into account. Parliament, with its often long sessions, was more of a burden in terms of commissioners' charges, as shall be seen in chapter five. In 1660, the total cost of Dumbarton's commissioner's charges, including his horse hire, was only £25, while Perth's commissioner, away only seven days at the 1683 general convention, had expenses of just £35.⁶³ Obviously, the greater the distance a burgh lay from Edinburgh or wherever else the convention was being held, the greater the expenses would be in travelling costs and the number of days a commissioner was away from home. There were also other sums which commissioners had to pay, such as extracting acts of the convention and paying convention officials. Thus in 1683 Perth's commissioner paid an extra £2 18s for the acts of the convention and £14 10s to the burghs' clerk. Yet these only brought the expenses to £52 8s, while its expenses in 1686 and 1687 came to just £40 10s 8d and £45 18s respectively, a little less than amounts it paid in the 1660s. This would not have presented much of a burden to a burgh the size of Perth. Although its expenses of between £150 and £220 in the second half of the 1670s would have made more of an impact, these were still small amounts in comparison to its income which was anything between £25,000 and £46,000 in the same period.⁶⁴ As a much smaller burgh, paying less to its commissioners, Dumbarton's expenses were understandably much less. In the early 1660s it paid between £20 and £30, which would only have been around 1% of its income in any given year. This proportion was similar to the proportion Perth paid in the expensive years, so when the expenses rose to between £45 and £55 in the latter

⁶³ WDA, Dumbarton Council Records, 1/1/3, 21 July 1660; PKA, Perth Town Council, B59/16/10, f.41r.

⁶⁴ PKA, Perth Town Council, B59/16/8, ff.63r, 76v; Perth Town Council, B59/16/9, ff.57r, 63v, 80r, 92r; Perth Town Council, B59/16/10, ff.41r, 73r, 81v.

part of the period it represented a larger proportion of its income.⁶⁵ It was clearly still not a huge amount, but for a struggling burgh was not an insignificant annual outlay. For an even smaller burgh such as Forfar, which seems to have paid its commissioners similar daily rates and whose overall expenses would almost certainly not have been much lower than Dumbarton's, but whose common good was less than half the size, the burden of attendance would have been much greater.⁶⁶

The costs of attendance did place a burden on many smaller burghs, though the amounts spent do not necessarily seem very high. Yet, crucially, burghs also had to pay missive dues, sums specified in the missive for each general convention which were mainly made up of the money the agent had spent on the convention's behalf. Throughout its minutes one can find the agent's accounts, detailing the total amount he was owed for the previous year, which could be anything from £2000 to £9000, though it was usually at the lower end of this scale. On top of this were sums spent, such as the £1000 sterling (£12,000) given to the king in 1660, which would be paid by the burghs on top of the standard agent's, or missive, dues.⁶⁷

What these sums do not indicate is how able the burghs were to pay. Some burghs, such as Inverness in 1669, were put to the horn for not paying their dues, often due to an inability to do so; Inverness on that occasion had to impose the amount on the inhabitants of the burgh. Rothesay also had to stent its inhabitants to raise missive dues on at least two occasions.⁶⁸ The convention's own records also indicate that some burghs were having difficulty, with the agent told in 1677 to try to recover about

⁶⁵ WDA, Dumbarton Council Records, 1/1/3, 9 June 1660, 22 March 1662, 9 July 1664; Dumbarton Council Records, 1/1/4, 88-9, 249, 451.

⁶⁶ AA, Forfar Council Minute Book, F1/1/1, 46 – although this shows 44s per day to a parliamentary commissioner, a similar amount would have been given to commissioners to the convention.

⁶⁷ RCRBS, iii, 358-674; RCRBS, iv, 1-88.

⁶⁸ HCA, Inverness Council Minutes, 1/1/5, f.103r; *Rothesay Town Council Records*, 83-4, 348.

£2,000 ‘of desperate debts due be the insufficient burrows’.⁶⁹ Two years earlier his predecessor, William Brown, had petitioned the convention stating that the ‘growing deficiencie of many burroues’ in paying their dues had ‘mor then ballanced any advantage ever I had for all the attendance I have given about your publict affaires’. He stated that he was no longer in a position to be able to afford to advance any money for them, as so much of his own wealth was ‘scattered and in the hands of the Burroues wherof a considerable pairt is desperate which I have small hopes ever to recover’. He ended by asking them

to take some effectuall course for repairing my bygainne prejudice And for
establisching a Casch for following your affaires for the futur And making me
in some Competent and Creditable way to subsist in your service that
henceforth it may not be a burdaine but a benefeit and incouragment to your
honors.⁷⁰

Though the petition contains a note recommending it to the general convention that year, it does not seem to have been raised there. The following year Brown was asked to collect £4,500 sterling (£54,000) from the burghs to help in the attempts to remove a French tax on Scottish cargoes. Presumably due to the difficulties he had already had in collecting the money he was owed, and almost certainly with the recognition that at least some of these burghs were unable to pay, he refused and was removed as agent. The convention seem to have been very sympathetic to him and ‘having regard to his former services’ continued his pension.⁷¹ This suggests that it understood that his position was reasonable, even if it still wanted to try to collect the money.

⁶⁹ *RCRBS*, iv, 5.

⁷⁰ *ECA*, Moses Bundle 210.

⁷¹ *RCRBS*, iii, 672-4.

It is much easier to get an impression of the burden the missive dues placed on the burghs by looking at individual examples. Dundee in 1679 had to pay £184 3s 4d in missive dues, yet this was only 2.3% of their income (just under £8,000) that year.⁷²

Perth in the same year paid a fairly standard £137 8s 4d for their missive dues, a mere 0.5% of their income that year, which income was much lower than it had been.⁷³ The following year Dumbarton paid £31 19s 8d, just 1.7% of their income that year.⁷⁴

When there were extra sums to pay, the smaller burghs would almost certainly have struggled most. In 1669, Dumbarton had to pay £63 16s as their share of £600 sterling (£7,200) given to the burghs' commissioners to Holland, on top of £20 12s for the missive dues, in all coming to 5.2% of their income that year.⁷⁵ As with the commissioner's charges, these sums do not look too significant, but as an annual expense for an indebted burgh they would have represented a real burden.

The full expense of membership of the convention inevitably becomes clearer when the different costs are combined. The total cost of Perth's attendance at the general convention in 1683, once its missive dues were paid, was £187 7s, still only around 1% of their income.⁷⁶ Dumfries, a mid-sized burgh, paid less in 1673 and 1675, when its charges were £232 3s 4d and £152 10s respectively. The closest complete years of accounts remaining are for 1662-3, with an income of £2733 6s 8d, and 1687-8 when it was £3919 5s. These figures suggest that it could have spent anything between about 3.9% and 8.5% of its annual income at the convention, quite a large proportion of its income.⁷⁷ The smallest burghs had the greatest struggles, Dumbarton in 1676 paying £169 14s 6d as the total cost of attendance, which represented 9.1% of its income that

⁷² DCA, Treasurer's Account Book 1646-96; DCA, Council Book, vi, f.125v.

⁷³ PKA, Treasurer's Accounts 1678-9, B59/19/9; B59/16/9, Perth Town Council, f.118v.

⁷⁴ WDA, Dumbarton Council Records, 1/1/4, 249, 285-6.

⁷⁵ WDA, Dumbarton Council Records, 1/1/3, 2 October 1669, 18 June 1670.

⁷⁶ PKA, Perth Town Council, B59/16/10, ff.41r, 73r.

⁷⁷ DAC, Town Council Minutes, WA2/4, ff.48r, 78; Treasurer's Accounts, 1687-88, GG2/14/6; NAS, Common Good Accounts: Dumfries, E82/17/5.

year.⁷⁸ The category which most needed the help of the convention, and which represented the largest number of burghs, were those burghs who could least afford the expense of their membership.

Absences were perhaps an inevitable consequence of the combination of difficult economic circumstances and the expense of attending the numerous meetings of the burghs. Appendix III shows that the beginning of the 1650s did not see many meetings, with none in 1651, one general and one particular convention in 1652 and only one particular convention in 1653. However, in the next six years to 1659 there were five general conventions and eighteen particular conventions. 1660 saw many meetings, with two general conventions and five particular conventions, but in the rest of the period (twenty-eight years) there were only eighteen of the latter, not including those which were called particular conventions but actually comprised all the burghs during parliament or conventions of estates. Yet in this period there were thirty-four meetings of all the burghs, of which eleven sat at the time of parliament or the estates, some of these being extremely long. The effect of these numerous and long conventions on burghs which were struggling financially, given the expense of attending, could not be anything but detrimental.⁷⁹

Given this, it could be expected that the numbers of burghs staying away would rise throughout the period, or at least be high at the start of the period and then again after the mid-1670s, when burghs seem to have been struggling most. Yet as Appendix I shows, although many burghs' fines for absence were discharged in the 1680s, the number of exemptions in that decade was the lowest in the period. Appendix III shows that there is also no pattern of absences increasing into the 1680s; there is even a hint

⁷⁸ WDA, Dumbarton Council Records, 1/1/4, 119, 150.

⁷⁹ Figures in this and following paragraphs are found in Appendix III.

of a downward trend after the 1660s. Absences were high at general conventions, often between a third and half of the number of burghs enrolled. Given that the smallest burghs accounted for 75% of the total, and that they were not the only ones struggling with their finances, it is perhaps surprising that the number of absentees was not higher. As shall be seen below, there were also often extra circumstances at work in years when many burghs were absent.

It is clear that more burghs attended conventions at the time of parliament or conventions of estates than at other times. This is least surprising in 1685 and 1686 when the annual general convention began less than a month after parliament had adjourned, having sat for more than six weeks each time. It does however suggest that some burghs saw parliament as more of a priority than the regular meetings of the burghs, but this does not mean that they disregarded the convention. Rather it underlines the problem their financial difficulties gave the convention, suggesting that many burghs recognised that, in their inability to afford sending a commissioner to each meeting, they could prioritise parliament at which time they would also be able to meet with the other burghs.

In terms of particular conventions, attendances seem to have been lowest in the early part of the period, and this can probably be ascribed to the remarkable number of meetings that were held. As the period went on, the numbers of meetings decreased and the numbers of absentees dropped. However, few small burghs were called to these meetings (which usually consisted of around twenty-five burghs) and those which were called were from areas close to Edinburgh. The most distant mid-sized burghs were also not generally called to particular conventions.⁸⁰ This would help to

⁸⁰ *RCRBS*, iii, 358-674; *RCRBS*, iv, 1-88.

keep attendance relatively high, sparing these burghs the expense, many of which were the least able to afford it. It also ensured that a quorum was more likely to be reached, with only one of these meetings showing that no business was done when only six out of thirteen burghs were present and one other having no acts recorded; it is not clear if this was due to clerical error or a lack of a quorum, as the numbers needed for a quorum were not always specified. On the other hand, this could present a further problem for the burghs, as it would mean that the perspective brought to particular conventions was that of the central burghs, whose priorities may not have reflected those of the burghs from other areas. Thus while the absences from the convention were high but not as high as could be expected, they did present some difficulties for the burghs in ensuring that, other than when all estates met, the convention did not have representation from a significant part of its membership.

When the reasons given for burghs' absences are examined, it is clear that poverty was a major factor and it could be less expensive for them to take the fine imposed for their absence than it was actually to go. Inverness stated as much in 1685, that 'because of thir troublesome and dangerous tymes quhen the armies were marching from every airth to the Kings hoast', due to Argyll's rising, and the fact that its commissioner was 'but lately come hame' from parliament, the burgh was willing to 'take their hazard of the fyne' for not sending a commissioner.⁸¹ Not all excuses had a clear reason given, while some of the stated reasons do not seem quite so legitimate. Perth did not send a commissioner to a particular convention in 1677 as it was held at the time of its market.⁸² Both Dumfries and Dumbarton, in 1663 and 1675 respectively, did not send commissioners because it was not convenient for them to do so, and as neither is stated in the convention minutes as being excused it seems this reason was not regarded as

⁸¹ *Records of Inverness*, 332-3.

⁸² PKA, Perth Town Council, B59/16/8, f.57r.

sufficient.⁸³ On later occasions Dumfries also appears to have been willing to bear the fine when it did not send a commissioner due to having other burghal affairs to deal with and, even after the fine for non-attendance had been increased, it decided that nothing due to be discussed at a particular convention concerned it.⁸⁴ Forfar seem to have felt the same for the second general convention in 1674 when it decided there was no need to send a commissioner, as did Kirkcaldy in 1665, stating that

They ffand that ther was not any thing therin quherin they ware considerablie concerned And thairfor they concludit not to send any thither Bot rather to pay the fyne Inrespect of the grit distance of place .⁸⁵

However these excuses cannot be taken to suggest that the burghs sought easy excuses to be free of their obligation to attend conventions as they represent only a small proportion of the reasons given. Like Inverness in 1685 some burghs were concerned about the safety of their commissioners if they had to travel, with the same burgh having decided not to send a commissioner in 1654 ‘in regaird of the troubles of the tyme and the great danger in the Journey Southward’, sending a supplication by post instead.⁸⁶ Dumbarton was excused from visiting Rothesay (as commissioned by the convention) the following year because of the dangers of travel, while Dumfries, having already appointed a commissioner in 1679, decided that he could not go without danger ‘in regaird of the troubles of the tyme’.⁸⁷ These political instabilities were sometimes combined with poverty in excuses given. Banff in 1685 complained that encroachments by highlanders were leaving the burgh in a poor condition, while many inhabitants had been called up to the king’s host. The same year Elgin also

⁸³ DAC, Council Book, WA2/2, f.230r; WDA, Dumbarton Council Records, 1/1/4, 64.

⁸⁴ DAC, Council Book, WA2/3, ff.46r, 117v.

⁸⁵ FCA, Kirkcaldy Burgh Council Minutes, B/KDY/1/1/1, f.29r; AA, Forfar Town Council Minute Book, F1/1/1, 114.

⁸⁶ HCA, Inverness Council Minutes, 1/1/4, f.84v.

⁸⁷ DAC, Council Book, WA2/4, f.129v; WDA, Dumbarton Council Records, 1/1/3, 14 July 1655.

complained of the expense of preserving the burgh from ‘Louse Highlanders’ and furnishing the militia, for which purpose it had had to borrow money as the common good was exhausted and its inhabitants were being impoverished by unfree markets held too close to the burgh. It also stated that its distance from a sea port, and the expense of sending a commissioner to the recently-ended parliament and convention, made sending a commissioner more difficult.⁸⁸

The issue of the regularity of conventions may be expected to have been a factor in some absences, but other than the few times it was claimed that meetings were held too soon after parliaments, it was rarely mentioned directly. Perth did decide not to send a commissioner to a particular convention in 1676 because it felt that it had been sent to visit too many other burghs (including Montrose and Inverness) while other burghs ‘doe not give so punctuall attendance’. However, the burgh wrote to express its willingness to attend all other meetings and agree with what was done at that one.⁸⁹ The most common reason given for not sending a commissioner was simply poverty, in which the regularity of meetings would have almost certainly been an unstated factor. Inverness in 1671 decided that its ‘straits and difficulties’ made it expedient not to send a commissioner, while St Andrews decided not to send one in 1685 as ‘the patrimonie is so low by the present troubles And that they cannot at present command monie for defraying of the Charge of ane Commissioner’.⁹⁰ It had previously, in 1674, decided not to send a commissioner as it needed to use its common good to repair the harbour which had been damaged by a storm. Often burghs would ensure that they sent their missive dues even if they were not in attendance, and clearly considered that this was the key responsibility. Rothesay in 1687 was having difficulty paying its dues and

⁸⁸ ECA, Moses Bundle 211.

⁸⁹ PKA, Perth Town Council, B59/16/9, f.82v.

⁹⁰ SAUA, St Andrews Council Minutes, B65/11/2, 137; *Records of Inverness*, 248.

had a meeting to discuss how to raise the money for this, while deciding not to send a commissioner 'in regarde of their povertie'.⁹¹ This was clearly also the case in 1688 when Dumbarton was faced with the choice, having already spent £500 more than its common rent, of letting £58 18s 2d of missive dues go unpaid or sending a letter of excuse for its absence. It decided not to send a commissioner, with a former provost who was then living in Edinburgh to deliver the dues and its apologies but to let the burgh know if it would suffer any prejudice by its absence.⁹² This was clearly not a case of a burgh trying to escape its obligations and seems to reflect the attitude of most burghs even in their absence. While their own interests were clearly paramount, they did still consider themselves as part of a body of burghs and recognised the importance of participating, yet were hindered from doing so to a full extent by their poverty.

The convention inevitably had to respond to these absences. When their excuses were not considered acceptable absentees were fined, but as seen above this was not always a deterrent to those tempted to stay away. The fine for absence was initially £20 and in 1665 the convention ordered the agent to use 'utmost extremity of execution' in collecting the fines, as the 'neglect of exacting the penalties occasions the absence of burghs from conventions'. This was clearly not considered enough to solve the problem and just two days later the fine was increased to £100 upon the consideration that

the wnlaw laid vpon the absent burroues is so low that the most pairt of burroues doeth absent themselves of purpose quhen generall conventions are appoynted att any distant places.⁹³

⁹¹ *Rothsay Town Council Records*, 424-5; SAUA, St Andrews Council Minutes, B65/11/2, 19.

⁹² WDA, Dumbarton Council Records, 1/1/4, 584-5.

⁹³ *RCRBS*, iii, 577, 581.

This was not always effective, and in 1679 the forty-six absences were the highest recorded in the period (in number and proportionally to the number of enrolled burghs). The convention ascribed these absences to ‘the not useing of diligence in exacting fynes imposed by the burrows against absent burrows’, and the agent was ordered then, and again in the particular convention later that year, to put to the horn any absentees who were not excused and did not pay. However, it appears to have been forced to recognise that many burghs simply could not pay that amount, as the following year the fine for absence from the 1679 general convention – but not any other – was reduced to £25.⁹⁴

The convention did recognise that not all burghs were able to attend meetings and that it was thus sometimes unfair to impose fines. As Appendix I shows, many small burghs were granted exemptions, usually for three years but occasionally for five, while Kirkwall was given an apparently open-ended exemption due to their distance from Edinburgh.⁹⁵ Fines were also sometimes discharged for various reasons. Those burghs which attended the particular convention in January 1675 to write an apologetic letter to the king after the 1674 letter (which shall be discussed below) were discharged of any fines for absence from previous meetings, perhaps to show that the burghs collectively favoured those who were loyal to him. In the general convention later that year all bygone fines were discharged, though absentees from that meeting and future ones would still be fined. There is no obvious reason for this, though again it could have been a way of marking the fact that, as they stated to Lauderdale, ‘the royall borrows are fullie returned to their duetie’ to the king.⁹⁶ In 1686, as Appendix I indicates, all absentees from the conventions in 1684 and 1685 were excused and their

⁹⁴ *RCRBS*, iv, 14, 18, 23.

⁹⁵ *Ibid.*, 56.

⁹⁶ *RCRBS*, iii, 645, 651-3.

finer discharged. The twenty-six absentees from 1684 were considered too poor and unable to pay their fines, while the thirty-seven absentees from the 1685 meeting (not including the general convention during parliament) 'wer absent upon the accompt they wer attending his Majesties host at that tyme for suppressing of the late rebellion'.⁹⁷ Ayr and Irvine were both fined £100 for their absence in 1685, as the only burghs able to pay, but their fines were also discharged the following year. This presented a problem for the convention as their fines had been awarded to Arbroath which had appealed for help due to the loss of shipping, repairs to its harbour and the expense of upholding it, and this money would then have to be raised by other means. Unfortunately this is another case where the convention's eventual decision is not recorded.⁹⁸

Some burghs were so concerned at their inability to afford the expense of being royal burghs that they tried to demit their position. In 1672, Anstruther Wester, Cromarty and Kilrenny all resigned their privileges as royal burghs, gaining acts of parliament to this effect after petitions were submitted by them claiming that their extreme poverty rendered them unable to bear the burdens that went with the privileges of being a royal burgh.⁹⁹ Pagan, referring only to the parliamentary records, says that their desire was accepted and they were taxed with the shires instead of the burghs, and she suggests that parliament's decision to allow burghs of barony and regality to have the trading privileges of royal burghs was an influence in their desire to withdraw.¹⁰⁰

Yet Pagan's assessment of the situation is rather too simplistic. Pryde's *Critical List of the Burghs of Scotland* contains no mention of any resignation by Anstruther Wester or

⁹⁷ *RCRBS*, iv, 67.

⁹⁸ *Ibid.*, 68, 71.

⁹⁹ *RPS*, 1672/6/24, 1672/6/47-8, A1672/6/12-3.

¹⁰⁰ Pagan, *Convention*, 31-2.

Kilrenny, and the 1705 stent roll shows that they were still being assessed with the royal burghs, and were thus still considered members of the convention.¹⁰¹ They did attempt to be removed, and seem to have considered that parliament's acceptance of their resignation was enough. In 1679 they appealed for a refund of the proportion of the burghs' tax they had paid that year. Despite visits and investigations and further appeals stating the acts of parliament accepting their resignation, they were continued as members of the convention, though some relief was given to both burghs to enable them to continue bearing the burdens of membership.¹⁰²

In 1681 they and Cromarty all appealed to parliament asking that the previous acts should be enforced. The issue was remitted to the privy council, who merely referred it to the convention and told it and the shire collectors not to take action in collecting the cess.¹⁰³ Cromarty was eventually removed from the convention, and this only in 1685 after numerous appeals from the burgh and an initial refusal. It was only after the convention accepted its appeal and removed it from its roll (while still pursuing it for bygone missive dues) that the original act of parliament was ratified.¹⁰⁴ The convention's unwillingness to allow these burghs to resign their privileges is not surprising, as it would lose their contributions to the estate's share of public burdens and missive dues, while the 1672 act meant that they would still be able to carry on any trade. If the act was a motivation for their attempts to leave, it could be expected that more burghs would try it, and perhaps the convention's intransigence helped prevent others seeking to do the same. Kintore did ask to be removed from the tax roll due to its poverty and inability to send commissioners, but this seems to have been

¹⁰¹ Pryde, *The Burghs of Scotland*, 28, 31; *RCRBS*, iv, 371.

¹⁰² *Ibid.*, 14, 22, 33, 65, 70, 77, 80, 89-90; ACA, Letter Books 8/1 (Incoming), vii, 98-9.

¹⁰³ *RPC*, vii, 208-9; *RPC*, viii, 520; *RPC*, ix, 31-2; NAS, PA7/11/46; *RPS*, 1681/7/84-5; ECA, Moses Bundle 211.

¹⁰⁴ *RCRBS*, iv, 22, 29, 33, 54-5; *RPS*, 1685/4/124.

rejected without even reaching the general convention, and all the burgh gained was a three-year exemption.¹⁰⁵ There is little evidence of other burghs seeking to be expunged from the convention, even when they claimed that their poverty was so great they might have to resign their privileges.

Conclusion

What is perhaps most remarkable in relation to the cases of Cromarty, Anstruther Easter and Kilrenny is that, despite the expense of attending conventions, the poverty of the burghs and the threat of competition, very few burghs did try to leave. The convention, in the face of fierce competition, was not enabling the burghs to flourish in trade due to its economic policies, and nor could it prevent their financial difficulties. Yet attendances also stayed remarkably high and the numbers of exemptions granted actually dropped in the 1680s. Though the numbers of burghs discharged from paying missive dues and particularly fines for absence rose dramatically, the majority of these came in three years when there were apparently exceptional circumstances. Despite the fears of the effect of the 1672 act, in which decade the decline in the burghs' condition appears to have begun, attendances did not drop markedly, and the comment in 1685 that 'the Convention of Burrowes ... [is] now of little significancy by this late Act' is not echoed by the attitudes of the burghs towards their collective body as indicated by their behaviour.¹⁰⁶

¹⁰⁵ ECA, Moses Bundle 210; *RCRBS*, iii, 653.

¹⁰⁶ Anon., *Memorialls*, 107.

Chapter 4

The Convention in the Interregnum

The 1650s presented the convention with a new challenge in foreign occupation. After over a decade of conflict, with the devastation of civil war on home soil and the expense of Scottish armies in England and Ireland, Scotland succumbed to conquest. In little over a year after the defeat at Dunbar in September 1650, English forces had occupied lowland Scotland, and almost a decade of rule from London was under way. England may not have had a clear vision for how conquered Scotland would be governed when its armies invaded, but an incorporating union was soon put in motion.¹ The English seemed to view this union as a favour to the Scots, an indication of their generosity and favour, an attitude Hirst describes as ‘paternalistic’.² A report in *Mercurius Politicus* answered the question of how England would react if it was in Scotland’s position by stating that England would approve of such an incorporation ‘without doubt, and be glad of it too, if England could reap so much benefit by an Incorporation with Scotland, as Scotland will have by this’.³

Besides the suggestion that England would not really benefit from the union adding to the apparent paternalistic attitude, it was assumed that Scotland most certainly would benefit. If such benefits were clear when the Tender of Incorporation was presented early in 1652, it might be expected that the burghs would leap at the opportunity of some much-needed respite. They had put considerable resources into the Covenanted cause, and received little in return but significant losses of men and resources to the

¹ D. Stevenson, ‘Cromwell, Scotland and Ireland’ in J. Morrill (ed.), *Oliver Cromwell and the English Revolution* (London, 1990), 163-5; D. Hirst, ‘The English Republic and the Meaning of Britain’, in Bradshaw & Morrill, *The British Problem*, 197-200.

² Ibid., 201.

³ Terry, *The Cromwellian Union*, 9.

war, Aberdeen in particular seeing direct attacks on the burgh, while shipping across the country suffered from storms and populations were hit by plague. The losses from war continued into 1651 with Charles II's ill-fated march to Worcester and Monck's army using the resources of the surrounding countryside and being quartered on many burghs.⁴

The decade did not dawn well for the convention. Only nine commissioners appeared at the general convention at Cupar on 2 July 1650; forty-nine were absent, including the five main burghs. Due to the 'imminent danger quherin the estat of kirk and kingdome within this kingdome at this tyme standis through the unexpectit aproches of the Inglisch armies to this kingdom both by sea and land', it was decided to prorogue the general convention until July 1651. The convention felt obliged to lay the 'privat interest' of the burghs aside, and instead 'prefer the publick weall of kirk and kingdome', though given the tiny proportion of burghs present, and the absence of Edinburgh in particular, this statement merely masked the virtual impossibility of action.⁵ In the event the burghs were not able to meet again until August 1652 'in obedience to the declaratioun of the commissioneris of the parliament of the Commounwealth of England'. During much of the intervening period the body which would have usually dealt with any urgent burgh affairs, Edinburgh's council, was not sitting having fled the town at the chancellors recommendation after the battle of Dunbar.⁶

Despite this unpromising beginning to the decade the convention continued to meet throughout the 1650s, and emerged as the only national Scottish institution to survive

⁴ Ibid., 78-80; Dow, *Cromwellian Scotland*, 14-6; DesBrisay, "The civill warrs did overrun all", 264.

⁵ *RCRBS*, iii, 357-8.

⁶ Ibid., 358; *Edin. Recs.*, 1642-1655, 261, 263-4.

the English occupation. As such, it is perhaps surprising that the one overview of Cromwellian Scotland, Dow's 1979 book, does not give more space to the burghs; while they are relatively prominent in her account until 1653, they disappear somewhat thereafter. Yet the behaviour of the burghs and their representative body seems to warrant closer attention. In many areas business continued as usual for the convention, yet it could not claim to have retained complete freedom. Many adaptations to the new regime had to be made, as the burghs lost most of their representation in parliament and changes were made to trade and customs and excise laws. The convention seems to have coped with these changes, but there is evidence that it was not exactly flourishing, nor helping its constituent members to do so.

Position and authority of the convention

While the convention continued to meet, it did not do so with the same freedom to which it had been accustomed. The first functional convention of the decade was held on the orders of the commissioners from the English parliament. There was a particular aim in the calling of the meeting, as it was to choose seven commissioners to represent the burghs in London, but they took the opportunity to discuss other business. There was a worrying sign for the freedom of the convention, however, as the English judges ruled that four unqualified commissioners could continue to sit. Anstruther Easter's was both unqualified and came with a limited and revocable commission, while those of Banff, Queensferry and Dornoch were not resident merchants. In normal circumstances these burghs would have been fined and the commissioners dismissed, but the convention was merely forced to accept the judges' ruling with the protest that it should not affect its liberties in future.⁷ While the four burghs were let off due to 'the tyme and occasione', this particular liberty of the convention was reasserted with the

⁷ *RCRBS*, iii, 359-62.

warning of a £200 fine for any burgh sending unfit commissioners, and other than some defects being ignored in the uncertain circumstances of 1660, normal practice was upheld throughout the rest of the decade.⁸

It was only by the favour of the English administration that the burghs could convene, which would mean that any meeting which was not approved could be quickly ended. This was proved true when the general convention convened at Cupar in July 1653 only to be forcibly dissolved because they had not informed colonel Lilburne, the commander-in-chief of the English forces, of their sitting.⁹ Dow relates this to the dissolution of the general assembly and the interruption of some synods and presbyteries, caused by a fear of large gatherings of Scots at a time when royalist forces were active in the Highlands.¹⁰ As such, it is not surprising that the convention would also suffer, with military expediency and security bound to take precedence in such a climate. The incident indicated to the burghs that they could not expect to be able to convene simply at their own agreement, and in September Edinburgh specifically asked Lilburne for permission to hold a particular convention, which was granted.¹¹

This was the pattern throughout the rest of the decade, Edinburgh often requesting specific permission for meetings to be convened. In October 1655 it asked the council of state for permission to hold a general convention, and if this was not forthcoming at least to get a particular convention to discuss trade.¹² There seems to have been some uncertainty about the answer, or at least about the favour of general Monck towards the

⁸ Ibid., 379, 491.

⁹ *Edin. Recs.*, 1642-1655, 317-8; Nicoll, *Diary of Public Transactions*, 115.

¹⁰ Dow, *Cromwellian Scotland*, 105.

¹¹ *Edin. Recs.*, 1642-1655, 323.

¹² Ibid., 388.

burghs, as Edinburgh's dean of guild went to him in March 1656 to ensure that the burghs could still meet, and to get a new warrant if necessary.¹³ Such uncertainty may have been warranted, as in 1657 the general convention did not meet until October, despite Edinburgh asking for a warrant as early as March, because the council of state was not sitting and Monck then delayed it. Business was not entirely halted in the interim, as a committee had been appointed to pursue certain issues, and this appears to have been allowed to continue without need of special permission from the general.¹⁴ Again in 1658 permission had to be gained before the general convention could meet, but this was the last of the decade as Monck, presumably again for reasons of security, would not allow the 1659 general convention to sit.¹⁵ In the two years when no general convention sat, there were five particular conventions, and it seems that these were less subject to the authority of the English administration. Permission was sought at times, and they could also be subject to some interference as in February 1655 when one was brought forward a week on Monck's orders, which may have caused some inconvenience to the distant burghs in particular.¹⁶ It may be that the smaller gatherings of burghs were considered less likely to be forums for sedition, or simply that the burghs took matters into their own hands and took a warrant for a general convention to include the authority to call particular conventions. In any case, the burghs were aware that their right to conventions of any kind was very much dependent on the favour of the English administration. It was with some satisfaction that a particular convention in 1660 announced the calling of a general convention on their own authority as their freedom to meet returned with the return of the king.¹⁷

¹³ *Edin. Recs.*, 1655-1665, 15.

¹⁴ *Ibid.*, 53, 61; *RCRBS*, iii, 443; *Glas. Recs.*, 1630-1662, 373.

¹⁵ *ACL*, iii, 332; *Edin. Recs.*, 1655-1665, 146.

¹⁶ *Edin. Recs.*, 1642-1655, 363.

¹⁷ *RCRBS*, iii, 504.

There was another, indirect, limitation on the freedom of the convention, and that was the limited freedom of burghs in elections. Dow suggests that Lilburne was happy to allow a particular convention in October 1653, after the interruption of the general convention, because he wanted to soften the blow of the prohibition on burgh elections.¹⁸ Between the elections of 1652 and 1655 normal electoral procedure was suspended, thus ensuring that those who had accepted the Tender of Incorporation and taken the oath of fidelity to the English Commonwealth before being elected would remain in power. This meant that the administration could be assured of some degree of loyalty from the burgh authorities across Scotland, as in 1652 only those burghs which assented to the Tender were given licence to hold elections, and only those who took the oath would be allowed to elect or be elected.¹⁹ There was some opposition to the taking of the oath, such as by the provost and two bailies of Dumbarton, who were deprived of office because their consciences would not allow them to take the oath, though exactly what their problem with it was is not clear.²⁰ The Fife burghs also protested against the oath due to their 'tender consciences' and the fact that they had already shown their assent to the union and promised their obedience. In Edinburgh, the radical Presbyterian Sir James Stewart would not take the oath and lost out to the moderate Engager Archibald Todd in the elections for provost, while another dissenter left a vacancy in the council.²¹ As well as securing burgh authority in the hands of those who were at least outwardly loyal to the English, these measures meant that the convention, whose constituent commissioners would be elected by these councils, would also be less likely to show dissent to the will of the regime.

¹⁸ Dow, *Cromwellian Scotland*, 106; C. H. Firth (ed.), *Scotland and the Commonwealth, 1651-1653* (Edinburgh, 1895), 228.

¹⁹ Terry, *The Cromwellian Union*, 35n, 63-5; WDA, Dumbarton Council Records, 1/1/2, 27 Mar. 1652; HCA, Inverness Council Minutes, 1/1/4, f.76; *Edin. Recs.*, 1642-1655, 265-6, 270, 275; *Stir. Recs.*, 1519-1666, 200-2; Nicoll, *Diary of Public Transactions*, 87-8, 101.

²⁰ Firth, *Scotland and the Commonwealth*, 39-40; Dow, *Cromwellian Scotland*, 53-5.

²¹ Terry, *The Cromwellian Union*, 165; Dow, *Cromwellian Scotland*, 54; *Edin. Recs.*, 1642-1655, 270-2.

After an order from Lilburne suspending elections in September 1653, William Thomson, clerk of Edinburgh and the burghs' agent in London, was asked to investigate the matter. In October a particular convention gave him orders to find out why the order had been given and what the future intentions of the council were, and to try to ensure 'the preservatione of the liberties of the burrowis heirefter'.²² In 1654 the threat of more direct interference in burgh elections rose when the commissioners for the administration of justice issued a warrant from the council prohibiting elections again but also allowing the judges to appoint magistrates, with assurances that this would not affect the liberties of the burghs in future. Thomson went to Cromwell and Edinburgh's council sent committees to the judges and to Monck, while also appealing to parliament.²³ The order was rescinded, but this meant that the same magistrates and council were to sit for a further year, causing the bailies of Edinburgh to protest that their personal fortunes would be ruined if they were to continue. The town promised to guarantee any losses their service incurred if they would sit for a month, until the matter was settled.²⁴ As it was, they sat until 1655 when elections were resumed as normal after Thomson's success in pressing for the restoration of this liberty.²⁵

This meant that the convention would at least theoretically have commissioners free from English interference. Indeed, in 1659 the former opponent of the English, Sir James Stewart, was elected moderator of the convention, having previously been re-elected provost of Edinburgh in 1658.²⁶ Yet this should not be taken as an indicator that Edinburgh's council or the convention had become a threat to the English. In both 1655 and 1658 the council of state was instructed by Westminster to remove any

²² *Edin. Recs.*, 1642-1655, 322-3; *RCRBS*, iii, 368.

²³ *Edin. Recs.*, 1642-1655, 346-9; *APS*, 756; Nicoll, *Diary of Public Transactions*, 138; Dow, *Cromwellian Scotland*, 148; Smith, 'Scotland and Cromwell', 215.

²⁴ *ACL*, iii, 241; *Edin. Recs.*, 1642-1655, 350, 386-7.

²⁵ *Ibid.*, 386-7; *ECA*, Council Registers, SL1/1/18, ff.208r-209v; *HCA*, Inverness Council Minutes, 1/1/4, f.89; *Stir. Recs.*, 1519-1666, 215-9.

²⁶ *Edin. Recs.*, 1655-1665, 119; *RCRBS*, iii, 475.

magistrate, or other public official, ‘whom they shall finde to be dangerous to this Comonwealth and disaffected to the present Government or scandalous in their Conversation’.²⁷ This could almost certainly be extended from individuals to corporations. If at any time there was a perceived threat to the regime from any burgh council or the convention itself, the freedom of the offending body would have been swiftly removed, as happened to the general assembly and, more briefly, some of the presbyteries and synods.²⁸

This may also have been the case in 1657 when Cromwell attempted to alter the charter of Glasgow, though his reasons for doing so are not clear. He wrote to the burgh asking it not to hold elections, and it consented, though on announcing the delay in the election the council protested

that the said delay sould not be prejudiciall to the provest, bailleis and counsall of this brughe, anent the ordinarij electioun of magistratis thairin in tyme cuming as formerlie, conforme to the freidome and libertie grantit to this burghe.²⁹

Though the convention did not officially get involved in the case, the burghs seem to have collectively opposed Cromwell’s action. A letter was written by Disbrowe, chancellor of the administration in Scotland, to Thurloe, Cromwell’s secretary of state, reporting that Cromwell’s actions had ‘made a great noyse heere, and rayseed feares in the burroughs, that it may be their turne shortly’. He said that any attempt to impose a magistrate on the burgh would be ‘lookt upon by many as a nigh breach of theyr priviledges setled by law, and confirmed, as they thinke, by the parliament in theyr petition and advise’. Acknowledging the desirability of having ‘a godly magistracy

²⁷ *APS*, 826-7, 876-7.

²⁸ Dow, *Cromwellian Scotland*, 105, 148.

²⁹ *Glas. Recs.*, 1630-62, 381-2.

settled in that borough, as in all others' he suggested a compromise, that Cromwell could recommend a suitable candidate as a bailie and suggest that they choose other 'good men', as this 'might effect the end, without any noyse or trouble'.³⁰ Monck and the council also protested, stating that the burghs 'must not be alienated', and in the end after a supplication to the council of state in February 1658 Glasgow was allowed to hold a new election without government interference.³¹

From the very earliest days of the occupation, the burghs' representations to the authorities indicated fears that their liberties and privileges, be that freedom from bearing burdens with the shire, the right to collect customs, or legal jurisdiction, would be taken away from them.³² Other than electoral restrictions, there were some threats to the freedom of the burghs, but these were limited. The attempts by the regime to limit the influence of Edinburgh, discussed in chapter two, may have been done with the intention of freeing the burghs from the capital's dominance, but in reality would probably have deprived them of its expertise and the large share of the estate's financial burdens it bore. More direct threats were against their privileges in trade (which will be discussed below) and the administration of justice. On the latter, the burgh courts were allowed to continue, presumably as allowing the burghs to impose their own legal jurisdiction would ease the pressure on the commissioners for the administration of justice.³³ Perth, whose council was active in speaking to the governor to ensure the presence of the English garrison did not impinge on its liberties, passed an act against inhabitants pursuing legal action before any judges other than the 'ordinary judge', presumably the court of session, and the burgh magistrates, to ensure

³⁰ *APS*, 913-4.

³¹ *Glas. Recs.*, 1630-62, 391; Smith, 'Scotland and Cromwell', 101.

³² *ACL*, Town Council Registers, CR1/1, liii (1), 335, 341; *ECA*, Council Registers, SL1/1/17, f.310v; Council Registers, SL1/1/18, ff.59v, 159v; *Glas. Recs.*, 1630-62, 223-4; *Edin. Recs.*, 1642-1655, 275.

³³ For a brief account of the functioning of burgh courts see Smith, 'Scotland and Cromwell', 212-3.

that its legal privileges would not be ignored in favour of appeals to any other body.³⁴

This was clearly a danger, as Forres discovered in 1655 when the baronial burgh of Findhorn took up legal action before the governor of Inverness. The convention described him as ‘not ane competent judge to them in such lyk caices’, and assigned three local burghs to help resolve the situation.³⁵

Smith suggests that the real threat to the jurisdiction of the burghs was with the appointment of justices of the peace in 1656.³⁶ However, this threat does not seem to have been realised. Pittenweem returned from a meeting of the Fife burghs with its magistrates’ right as JPs within the burgh confirmed, though two of the bailies were not willing to accept this position. Edinburgh also protested to the council of state that the JPs would impinge on its magistrates’ rights, as well as cause confusion and hinder the administration of law, and again the magistrates’ rights as JPs within Edinburgh were confirmed.³⁷ The convention was required on one occasion to assist in protecting a burgh’s privileges in this area, when in early 1660 Lauder complained that the commissariat court, which was their right to host as head burgh of the shire and was also described as ‘the mean of its subsistence’, had been removed from the burgh. Unfortunately this request came at a time when the convention could not do anything due to the absence of a council of state or any judges, but the agent and Edinburgh, with any other burghs present, were ordered to help when they could.³⁸

Just as the burghs were largely allowed to continue in their privileges, the authority and position of the convention was generally recognised and respected by the regime.

³⁴ PKA, Perth Town Council, B59/16/5, 45, 52.

³⁵ *RCRBS*, iii, 407.

³⁶ Smith, ‘Scotland and Cromwell’, 217.

³⁷ SAUA, Pittenweem Council Minutes, B60/6/1, f.64v; *Edin. Recs.*, 1655-1665, 10-1, 15.

³⁸ *RCRBS*, iii, 491.

In January 1658 Kirkwall was recognised as a royal burgh by the council of state, having received a charter in 1486 but never been enrolled by the convention or attended parliament.³⁹ However, the convention's rights over enrolment were upheld and no pressure was put on them to enrol Kirkwall, which was also not included with the other northern burghs in the Parliamentary elections in 1658 or 1659, only being enrolled and represented in parliament in 1669 and 1670 respectively.⁴⁰

The burghs' ability to uphold their privileges is also evident in their long-running opposition to the erection of a college of physicians, for which a charter had been granted in 1657. Although Craig does not even mention the convention in his account of the attempt, ascribing the opposition to Edinburgh, Glasgow and the universities, it played a central role. It was afraid that a college might hinder the jurisdiction of magistrates, particularly in Edinburgh, over physicians, as well as being of no use to the nation, the burghs in particular or even the 'the advancement of the science of medicine itself'. The physicians were forced to make significant concessions to the burghs, which were eventually accepted, with the burghs' rights and authority intact. However, there may have been some bowing to the regime in the acceptance of the patent, even if the burghs did try to ensure it was on their terms; in 1660, with a new regime in place, Thomson was instructed to oppose any new attempts to erect a college of physicians.⁴¹

Particularly notable is that on at least two occasions in early 1659 the council of state referred issues directly to the convention. Some merchants in Kirkcaldy appealed to the council regarding a dispute over their burgh election, and two Glasgow burgesses

³⁹ Mooney, *Charters of Kirkwall*, 85; Pryde, *Burghs of Scotland*, 25.

⁴⁰ *APS*, 754; *RCRBS*, iii, 611-2, 781-2; *RPS*, 1669/10/2.

⁴¹ *RCRBS*, iii, 448-51, 468-70, 478-9, 483, 501-2; W. S. Craig, *History of the Royal College of Physicians of Edinburgh* (Oxford, 1976), 46-54.

complained against ‘injuries’ done to them by some tradesmen. In both cases the council considered the convention to be the ‘most competent judgis’, recognising both its authority and its perceived ability to deal with such issues.⁴² It is interesting that these issues were taken to the council of state in the first place, suggesting that there was perhaps a lack of confidence in the ability of the convention to judge competently. Yet the regime clearly recognised that the convention had its place and though it would have been indirectly affected by the interference in council elections and was meeting only on the grace of the council or commander-in-chief, its position and authority within these parameters were not challenged. However, though it even seemed to have the respect of the regime, the convention’s position was challenged simply by the changes in the political system.

The greatest loss of privilege for the royal burghs under the new regime was the loss of their commissioners in parliament. Rather than having one commissioner for each burgh (and two for Edinburgh) sitting in a parliament in their own country, the burghs had to group together geographically to elect ten MPs to send to London – though Edinburgh was still allowed two. Even then, not all of the groups of burghs had representatives. In 1654 only eight were chosen for the burghs, and in 1658 two MPs were elected by more than one constituency, so the burghs only had six representatives. It is not clear why the full quota was not chosen.⁴³ Some of these commissioners, as detailed by Dow, were English soldiers or civilians (usually members of the administration in Scotland) and so it might also be questioned how effective they were in representing their constituencies. Even the Scots who sat in the 1659 parliament have been criticised as ‘totally inadequate as spokesmen for Scotland’, whose level of activity was no more than ‘inert quiescence’ except when

⁴² *RCRBS*, iii, 477-8, 482.

⁴³ Dow, *Cromwellian Scotland*, 150, 238-9.

their position in parliament was under threat. Even then it is alleged their activity was no more than self-interested protection of their 'entrenched positions'.⁴⁴

A rather different picture has emerged from a study of the commissioners from Scotland to the parliament in 1656. Although it is shown that the regime pulled 'personal, financial and military strings' to ensure that suitable candidates were nominated, it also seems clear that the burghs were careful to choose influential commissioners who would be in a position to best serve the burghs' interests. Some chose Englishmen, Edinburgh choosing Broghill, the popular president of the council in Scotland, and Inverness choosing the governor of the garrison, who may have been able to guarantee the employment which came from the construction of the fortress there. The burghs were not 'pocket burghs', tied to the Cromwellian interest, and neither were their commissioners incapable of representing their interests.⁴⁵ Perth and Aberdeen felt it worth writing to their respective commissioners in 1657, both English colonels, with instructions on what to represent to parliament on their behalf.⁴⁶

Glasgow also seems to have been very aware of the potential benefit to the burgh of strong representation at parliament. In the 1659 election, only three of the eight burghs grouped with Glasgow (Ayr, Dumbarton and Rutherglen, whose commissioner had no commission) arrived to choose a parliamentary commissioner. Glasgow's provost came to the meeting without a commission, bringing with him 'six scoir' people who voted and chose John Lockhart, commissar of Glasgow and a Scotsman close to the regime, who would evidently be particularly favourable to Glasgow. Dumbarton's commissioner protested and refused to vote, seeking legal redress, but Lockhart

⁴⁴ J. A. Casada, 'The Scottish representatives in Richard Cromwell's parliament', *SHR*, li (1972), 136, 143-6.

⁴⁵ P. J. Pinckney, 'The Scottish representation in the Cromwellian parliament of 1656', *SHR*, xlvii (1967), 102, 105-6, 109-10, 113-4.

⁴⁶ PKA, Perth Town Council, B59/16/5, 63; *ACL*, iii, 270-4.

remained commissioner.⁴⁷ This is a rare example of burgh working so obviously against its fellow burghs, but it does show the importance of good representation.

While the burghs were able to instruct their parliamentary commissioners, the new system presented them with a new challenge. They were faced with a more centralised and distant government and drastically decreased opportunities for lobbying that government. Even the presence of a council of state in Edinburgh, answerable to London, has been said to have increased ‘the ability of London to control Edinburgh’.⁴⁸ Although centralisation brought problems for the burghs, Gillanders suggests that it enhanced the role of the convention as the representative of the burghs and this seems to be an accurate assessment.⁴⁹ The convention certainly did adapt to the changed circumstances and tried to maintain a strong burghal representation, and in many ways business was able to continue more or less as usual.

Although the convention had had to deal with the court being in London since 1603, parliament and, significantly, the privy council had remained in Scotland, giving relatively easy access to the regime. In the 1650s, the protector and his parliament were in London, and though the commander-in-chief and the council of state were in Scotland, both of these had to refer to London frequently. In the commander-in-chief’s case, the frequent letters from Lilburne and then Monck testify to the extent to which these seemingly powerful figures had their hands tied by the need to refer to London on many issues.⁵⁰

⁴⁷ WDA, Dumbarton Council Records, 1/1/3, 8 Jan. 1659.

⁴⁸ S. Barber, ‘Scotland and Ireland under the Commonwealth: a question of loyalty’, in Ellis & Barber, *Conquest and Union*, 220-1.

⁴⁹ S. Gillanders, ‘The Scottish Burghs’, 308-9.

⁵⁰ See Firth, *Scotland and the Commonwealth* and *Scotland and the Protectorate*, *passim*.

In this situation, the commissioners to parliament, when it sat, were of great importance to the individual burghs and to the convention as the body representing the affairs of the whole estate. As such, the convention saw fit to send instructions to them, a process reminiscent of the meetings of commissioners before and during parliaments or conventions of estates met in Scotland where the action of the burghs' commissioners would be co-ordinated to improve their representation to that body.⁵¹ In 1656 a committee for grievances was appointed, with fourteen burghs to meet ready to discuss the grievances of any burgh and call a particular convention, further increasing the available representation for the burghs, though its effectiveness is not known.⁵² The convention also appointed agents in London to represent the needs of the burghs to the protector and to parliament. Since at least 1652 William Thomson acted as both agent of Edinburgh and the convention, and was officially appointed as the convention's agent in 1655. Representing both may have been too much for one man, especially in a time of uncertainty, so in 1659 George Downing was appointed the convention's agent. Downing, an Englishman who was scoutmaster-general of the English army and had been an MP for Edinburgh, never took his place, and Dr Thomas Clarges replaced him in 1660. Clarges was Monck's brother-in-law, had been an MP in 1656 and was elected for two groups of burghs in 1659, and had served the regime as agent for Scottish affairs in London.⁵³ Although Downing did not take his place, these appointments show a recognition in the convention of the need for agents who understood how things worked in London, and in 1659-60 had the favour of the dominant political figure, general Monck. There may also have been a recognition that an Englishman so close to the regime might not always be a reliable representative of the affairs of the Scottish burghs, for in 1660 Thomson was retained as agent and sent

⁵¹ *RCRBS*, iii, 428-9, 482-3.

⁵² *Ibid.*, 421-2.

⁵³ *Ibid.*, 364, 397-8, 480, 481, 499, 500-2; ECA, Council Registers, SL1/1/17, f.349r; ECA, Council Registers, SL1/1/18, ff.208r-209v; Dow, *Cromwellian Scotland*, 150, 185, 238-40.

very specific instructions.⁵⁴ This meant that the convention had general representation from a source close to Monck as well as more specific representation from someone who would be more familiar with the needs of the burghs.

The agents in London would be of particular significance for the smaller burghs, who could not afford to send their own. Some larger burghs had agents in both London and Edinburgh, and, as has been seen in chapter one, burghs were willing to bypass the convention and appeal to other authorities, perhaps indicating uncertainty about the effectiveness of the convention. This does not mean that some burghs were not willing to work with the convention for the good of the estate, but it does suggest a recognition that they could pursue other options to get help and that the convention was not necessarily the most effective one. Certainly on some of the major issues, such as trade and the problem of the laws regarding debtors and creditors, which hit the burghs hard as they had been major lenders, the effectiveness of the convention was limited.⁵⁵ This did not stop it from going to the council of state with issues ranging from convoys to protect Scottish shipping to the grievances of Selkirk. Yet the pre-1650 records of the convention demonstrate that on its usual business in its dealings with the burghs, things more or less continued as usual.⁵⁶ It also showed a willingness to work with others on some issues, though these were issues of national importance such as problems with the trade in and prices of coal, the minting of copper coins and a pursuit against the Scottish estates for repayment of a supposed debt of £30,000 sterling (£360,000). On the first of these it had gone to the gentry, suggesting a recognition that it was not able to achieve what it wanted alone and a need for further help in pursuing the issue. However on the latter two occasions the gentry appear to have shown the

⁵⁴ *RCRBS*, iii, 500-2.

⁵⁵ Gillanders, 'The Scottish Burghs', 201; Dow, *Cromwellian Scotland*, 182-4; *RCRBS*, iii, 386-7, 414-5, 429-30, 431-2, 433-5, 438-9; *Edin. Recs.*, 1655-1665, 43.

⁵⁶ *RCRBS*, iii, 425 – see 1-356 for convention minutes from 1615-49.

same recognition, which suggests that they recognised that the convention still had some influence with the regime and would be able to achieve something.⁵⁷

Despite this continuing and often effective work, even those burghs which did not appear to invest in their own representatives in London and seemed more willing to use the convention, perhaps showing more faith than others in its efficacy, were not entirely happy with the level of representation it gave them. As seen in chapter two, Inverness in 1652 proposed that conventions should be held in different burghs around the nation. Aberdeen pursued its own interests, while concerned at Edinburgh's dominance and fearing that it would be used to promote the capital to the detriment of others, particularly in particular conventions and Edinburgh's perceived monopolising of commissioners to London. Yet Edinburgh appears to have been willing to use its influence for the good of the burghs, showing the respect it had for the convention. The protests against Edinburgh, clearly aimed at ensuring the convention continued to represent all the burghs, suggest that the general consensus was that it was still an important body. Even the sederunt lists suggest this, as although the levels of non-attendance were quite high for general conventions, they are comparable to those of the 1620s, in which decade the burghs had not been suffering from war; and relatively high levels of absence from particular conventions can be at least partly explained by their increasing regularity.⁵⁸ Most burghs were willing to go to the expense of sending commissioners because they considered it worthwhile, particularly as it remained a means of representation.

⁵⁷ *RCRBS*, iii, 403-4, 411-2, 421, 425-6, 432, 468, 473-4, 475-7, 479-80, 483-4.

⁵⁸ *Ibid.*, *passim*; see Appendix III for absence figures for the 1650s.

Finance, trade and customs

However, there were already signs that on some national issues the convention's influence and effectiveness was weakening, and some burghs, particularly the larger ones, were more than willing to look elsewhere for representation and assistance. The limitations of the convention were particularly noticeable in issues of trade and finance, as it was no longer able to support schemes to build or repair the common buildings of burghs and was showing weaknesses in its role as the protector of their trading privileges.

There can be little argument that the burghs had suffered greatly during the years of war before the 1650s, and economically they were hit particularly hard. Lythe described the wars as 'an economic disaster of the first magnitude', while Whyte said that 1638 'heralded the start of a 15-year period of disaster for the Scottish economy'.⁵⁹ There has been less unanimity about the success of the Cromwellian union on the trade of the burghs. Keith's views of the early twentieth century that Scotland benefited little from it due to the 'devastated and wasted' state of the country, with little import or export trade and wide destruction of shipping, were widely accepted until Devine's study of Aberdeen and Glasgow showed that these larger burghs at least benefited.⁶⁰ However, these were the burghs which were in the best position to benefit simply due to their size and relative wealth even after the years of war. The smaller burghs were in a much more difficult situation, and with the convention relying on the general economic health of the estate for the means to function fully and support its constituent members, who were its only source of

⁵⁹ S. G. E. Lythe, *The Economy of Scotland in its European Setting, 1550-1625* (Edinburgh, 1960), 64; Whyte, *Scotland before the Industrial Revolution*, 281.

⁶⁰ Keith, *Commercial Relations*, 53-70; T. M. Devine, 'The Cromwellian Union and the Scottish Burghs: The Case of Aberdeen and Glasgow, 1652-60', in J. Butt & J. T. Ward (eds.), *Scottish Themes: Essays in honour of Professor S. G. E. Lythe* (Edinburgh, 1976), 1-16.

revenue, it is unsurprising that burghs started looking elsewhere for financial assistance.

In the 1650s many complaints to the convention, and also directly to the English authorities, related to the loss of trade the burghs were continuing to suffer and a desire for abatements or relief from the cess and from free quartering, which the burgh would have to pay for. These were burdens which must have been especially hard to accept given their limited representation in government; at other times representation went hand in hand with the burdens they carried. While these complaints must be treated carefully as a degree of exaggeration is likely, they cannot be rejected out of hand as hyperbolic, and there are indications that the burghs individually and collectively were indeed in a difficult economic condition. Chapter three has demonstrated, however, that this condition was not worsening for all burghs in the 1650s. Some of the larger and mid-sized burghs seem to have been doing reasonably well, or at least not declining greatly. Both Perth and notably Edinburgh were struggling, however, with debts rising significantly through the decade.

Bennett highlighted the example of Irvine as a burgh which entered the 1650s having paid large sums to various regiments and the Scots army in 1650-1, some of which were borrowed and remained unpaid. It was proving unable to function properly, such as being unable to pay its schoolmaster, and by the end of the decade was seeing debts called in.⁶¹ Such problems were widespread, with the cost of garrisons and the astonishingly high levies at the beginning of the decade, with the English initially trying to raise two and a half times the monthly assessment of 1649-51, giving no

⁶¹ Bennett, *The Civil Wars Experienced*, 133-4, 171, 183-4.

respite from the years of war.⁶² Even though the amounts assessed did drop, Pittenweem's appeals for ease of its assessment, which began in 1651, resurfaced in 1656. By this time it had fallen behind in payments and incurred debts in trying to pay its arrears, but the burdens were such, combined with the loss of trade, that all four magistrates elected in 1659 refused to take office.⁶³ In 1657 St Andrews also appealed for an ease of its cess, and by 1659 was borrowing money to pay for some small arrears on it.⁶⁴

Dow notes, when discussing the absence of some burghs at Dalkeith and Edinburgh in 1652-3 that smaller, poverty-stricken burghs, including the Fife fishing burghs, had traditionally been excused from the Scottish parliament, and thus their poverty was nothing new. Their poverty may indeed have been nothing new, but Dow's evidence for this is flawed; MacDonald makes it clear that these were exemptions from conventions but explicitly not parliament.⁶⁵ It was not only small Fife burghs that were struggling. Dumbarton complained that it was unable to pay the cess and sought exemption or a reduction of the amount. It also complained about the burden of quartering, particularly as the shire would not help it bear the cost of the garrison.⁶⁶ Peebles also sought relief from the cess, with some success, and noted particularly the losses sustained by the quartering of soldiers. It actually went to the gentlemen and the minister of the parish and asked them to subscribe its grievances, presumably to add authority to its claims.⁶⁷ Beginning in at least 1652, when it also complained about quartering, Montrose regularly appealed for an ease of its assessment. Although it was not until 1660 when it was called to pay its share of the £1,000 sterling (£12,000)

⁶² Dow, *Cromwellian Scotland*, 24-5.

⁶³ SAUA, Pittenweem Council Minutes, B60/6/1, ff.57v, 59r, 66r, 67v, 68v-69r, 71r.

⁶⁴ SAUA, St Andrews Council Minutes, B65/11/1, 28, 54.

⁶⁵ MacDonald, *Burghs*, 65-6; Dow, *Cromwellian Scotland*, 47-8.

⁶⁶ WDA, Dumbarton Council Records, 1/1/2, insert, Mar. 1652, 18 Aug. 1653.

⁶⁷ NAS, Peebles Council Minutes, B58/13/1, f.184; Peebles Council Minutes, B58/13/2, ff.4v, 8r, 38v-39r.

which the convention granted to the king that it announced that it simply could not afford to pay, the heavy burdens of the 1650s must have contributed to this inability. It was in some debt in 1653, asking for the right to levy an imposition to help defray this, and in 1658 it asked to be allowed more time before paying its missive dues to the convention.⁶⁸

The large burghs were also not without their financial problems. Edinburgh appealed directly to Cromwell and parliament on a number of occasions for relief from its burdens, as well as appealing to the administration in Scotland.⁶⁹ Aberdeen, which was recovering in terms of trade, petitioned the regime on a number of occasions for an ease of quartering (which it wanted to be done on fair proportions with the other burghs) and abatements of its assessment, claiming in 1654 that it could not afford to pay. It also twice aimed at stopping the convention from altering the stent roll. The roll remained unchanged, which might be taken as a sign of success if Aberdeen had thought its proportion might be raised, but on two other occasions it told its commissioner to try to have its proportion reduced, in 1655 telling him that if it was raised he was to protest and leave.⁷⁰ Glasgow, which was also recovering somewhat, successfully gained an abatement of its cess in 1653 but continued to appeal regularly for more abatements, and also appealed a number of times for an ease of quartering.⁷¹ Perth was also apparently struggling to pay its assessment as it appealed to the regime for abatements, help with its 'losses' and aid to repair its tolbooth. By 1656 it had incurred debts of nearly 40,000 merks (£26,666 13s 4d), for which the interest paid was just under £1,900, and although the levels of debt at the start of the decade are not

⁶⁸ AA, Montrose Council Book, M1/1/2, 77, 82, 84, 89, 91, 94, 98, 101, 138; *RCRBS*, iii, 504.

⁶⁹ *Edin. Recs.*, 1642-1655, 314, 358; *Edin. Recs.*, 1655-1665, 31-2, 35, 43-4, 95, 161.

⁷⁰ *ACL*, iii, 209, 217-8, 238, 248, 292-3, 297; *ACA*, Town Council Registers, CR1/1, liii (1), 335, 341, 354-5.

⁷¹ *GCA*, Council Minute Book, C1/1/12, 27 Aug. 1653; *GCA*, Council Minute Book, C1/1/13, 9 Dec. 1654, 9 Jun. & 22 Sep. 1655; *Glas. Recs.*, 1630-62, 237, 239, 273, 294, 299.

clear the two full sets of accounts for the decade show a rise and little repayment.

Despite attempting to exercise greater control over treasurers' spending by ordaining that the council had to agree before anything was spent, in three sets of accounts (one for only a half year) from 1654 to 1656, the treasurer twice overspent by more than £1,000 and on the third occasion by more than £2,000, while in 1659 nearly £1,500 was overspent.⁷²

Though it has been seen in chapter three that the convention was not often able to take direct action to help the burghs financially, it did try to help them alleviate these problems. It presented requests to Lilburne in 1653 and parliament in 1656 for an ease of the burghs' assessment, on the latter occasion asking not that a sixth of their assessment be taken off as Gillanders suggested, but that their share of one-sixth of the total assessment be reduced

in respect that thair whole schippis being takin by sea ... and thair estaitis at home distroyed be the warres, and wtherwaies exhaustit be extraordinar burdingis, and thair tread and traffique almost whollie lost, and the maist pairt of thair herberies demolished by the violent lait storme and want of meanes to wphold the samyn.⁷³

The convention considered the alteration of the burghs' tax roll in recognition of the fact that the burdens which lay on them may have caused some to be paying a proportion which they could not afford, but as it was unable to get an abatement of the estate's assessment this was never done.⁷⁴ It also sought to help individual burghs where it could, representing the cases of Sanquhar and Lochmaben before the army

⁷² PKA, Perth Town Council, B59/16/5, 49, 61, 68; Perth Town Council, B59/16/6, f.82r; Perth Treasurer's Accounts, B59/25/4/2, 1654, 1654-5, 1655-6; Perth Town Council, B59/16/4, 6 December 1652.

⁷³ *RCRBS*, iii, 369, 428; Gillanders, 'The Scottish Burghs', 139.

⁷⁴ *RCRBS*, iii, 455, 463.

treasurer and English commissioners respectively when they were assessed for more than their share on the tax roll, while it successfully intervened in the dispute over Perth's common good and debts.⁷⁵

The regime itself was not blind to the needs of the struggling burghs. Once a burgh accepted the Tender of Incorporation it was officially taken into the protection of the English parliament, which meant that the army could no longer demand free quarter and soldiers would have to give satisfaction for their expenses. Although this seems to have taken a while to come into effect, and on occasion free quarter was claimed illegally, it seems to have worked as appeals for relief from quartering disappear from the records.⁷⁶ So many abatements were granted in 1653 that, of the monthly cess from July to October, only £789 19s 4d was to be collected of the burghs' share of £1519 10s, barely half the total. This does not include Pittenweem's reduction from £10 sterling (£120) to £7 sterling (£84) which is recorded in their council minutes, and so the figure collected was almost certainly even lower. It is interesting that the north-east and centre-west, around the two burghs shown to have been doing well, Aberdeen and Glasgow, received few abatements.⁷⁷ In 1654, Monck asked Cromwell for a reduction of the cess in Scotland, saying that, as the countryside was so poor, if the full £10,000 sterling (£120,000) was to be collected the burghs would have to bear the brunt, 'whoe are soe impoverished through want of trade, and the late troubles, that it will quite breake them'.⁷⁸ The administration in Scotland appears to have recognised the inability of the burghs to deal with the burdens imposed upon them and was not

⁷⁵ Ibid., 367, 375-8, 385, 409-10.

⁷⁶ HCA, Inverness Council Minutes, 1/1/4, 76; *Stir. Recs.*, 1519-1666, 207-9; *Glas. Recs.*, 1630-1662, 339.

⁷⁷ Calculated from the roll in Firth, *Scotland and the Commonwealth*, 174-9; SAUA, Pittenweem Council Minutes, B60/6/1, f.62r.

⁷⁸ Firth, *Scotland and the Protectorate*, 195.

unwilling to act on their behalf, yet the convention's pleading for a reduction in the burghs' proportion was not heeded.

None of this should lead to the assumption that the burghs were entirely ruined and desperate. Devine has shown that Aberdeen and Glasgow were recovering some of their trade, but suggests that Dundee never recovered from the wars and the sacking by Monck's army. However, it has more recently been suggested that the severity and long-term impact of the sacking are 'largely a Victorian myth'.⁷⁹ Yet Dundee's treasurer and guild accounts show that more money was coming in than going out. Indeed, as shown in Appendix II, debts of nearly 60,000 merks (£40,000) in 1652-3 were reduced to around two-thirds of that in 1657-8. The debt then rose sharply again almost to its former level, and 1660 was the first time since 1651 that the treasurer overspent; ironically it was the payment of £890 as their share of the £1,000 sterling (£12,000) to the king that seems to have caused this overspending.⁸⁰ In 1653 both Montrose and Pittenweem used the common imposition of a merk on each boll of malt traded in the burgh, though only Montrose applied to Lilburne for permission to do so, to pay their debt and public burdens.⁸¹ Aberdeen asked its commissioner to the abortive general convention that year to find out what measures (specifically impositions) other burghs were using for 'defraying thair publict burdens and debtis', so that it could do the same.⁸²

Despite the fact that not every burgh was in a desperate condition, there were clearly problems for the burghs. This filtered through to the convention which had no funds

⁷⁹ John Robertson, 'The storming of Dundee', *History Scotland*, vol.3 no.3 (May/June 2003), 27; Devine, 'The Cromwellian Union', 12.

⁸⁰ DCA, Minutes of the Guild Court, GD/GRW/G1/1, ff.100v-113r; Treasurer's Account Book, 1650-1 to 1659-60.

⁸¹ AA, Montrose Council Book, M1/1/2, 82; SAUA, Pittenweem Council Minutes, B60/6/1, f.61v.

⁸² *ACL*, iii, 218-9.

available to help Dumfries in 1658, as shown in Appendix I. If there was little ready money available in the burghs and their assessment needed to be paid, the money available to the convention was limited. In 1654 the agent was asked to act against any burghs which had not paid their share of the dues, suggesting that some were slow in paying, presumably due to the other commitments on their finances. The struggle to collect dues seems to have continued and perhaps worsened as, at the general convention the following year, it was decided that any burgh which did not pay its dues until it was horned would also have to pay the charges of the horning. The shortage of funds available was also shown by another part of the same act which decreed that any burgh which employed the agent on its own business would have to pay him itself, with only action taken for the benefit of all the burghs to be charged on the common charge, while in 1657 it was decided that no financial assistance would be given to any burgh until its accounts were checked.⁸³

The convention clearly felt the strain of the demands placed on its finances and was looking to ensure that no help was given to a burgh unless it was really needed. Yet the fact that the convention itself was under such constraints suggests that, unless burghs were deliberately concealing their healthy finances, which seems rather unlikely, the burghs themselves were also struggling and really did need the convention's assistance. This came to a head in 1656 after a storm which did great damage to many burghs' harbours. There were so many supplications for aid that the convention could not help, and all supplications for help with repairs to harbours, kirks, bridges and tolbooths were continued.⁸⁴ So many burghs needed help at the same time that too few other burghs remained able to do so. Although this situation was unusual in its severity, the impotence of the convention makes it unsurprising that burghs were

⁸³ *RCRBS*, iii, 392, 405.

⁸⁴ *Ibid.*, 417.

beginning to look elsewhere rather than coming to the convention when they needed financial assistance.

One way for the convention to improve this situation would have been to improve trade, thus strengthening the burghs' financial position and, by extension, that of the convention itself, though Gillanders asserts that it was unable to make much of an impact in this area. Although one of the desires of the burghs, free trade with the rest of the Commonwealth, was granted in 1654, Devine noted that there is little indication of a growth in trade between either Aberdeen or Glasgow and England, while Hirst observed that Scottish trade made little impact on the English economy and Keith suggested that free trade was for Scotland 'economically unsuccessful'.⁸⁵ As well as granting free trade, the regime sought to place a system of customs and excise on Scotland that brought it in line with England.⁸⁶ One of the commissioners for the excise, Thomas Tucker, reported that the trade and commerce of Scotland was in a poor state, which would limit the excise that could be collected. The new system would in theory improve revenue for England but also, if it worked, give a fair and equal excise system to the country, thus removing any potential disadvantage and the perceived habit of the collectors of the Scottish excise to work for their own gain rather than that of the state.⁸⁷ Why he was surprised at this habit is unclear, given the fact that the collectors had taken the excise in tack and were thus seeking profit from it, but he obviously recognised the potential for and probably the reality of abuse and extortion in the extant system.

⁸⁵ Keith, *Commercial Relations*, 54; Hirst, 'The English Republic', 213; Devine, 'The Cromwellian Union', 7, 11; Gillanders, 'The Scottish Burghs', 201; Dow, *Cromwellian Scotland*, 121.

⁸⁶ Dow, *Cromwellian Scotland*, 168-71. For a brief explanation of how the system, which continued after the Restoration, worked, see Smout, *Scottish Trade*, 34-5.

⁸⁷ Dow, *Cromwellian Scotland*, 171; Keith, *Commercial Relations*, 60.

Individual burghs clearly recognised the need to improve trade and the desires presented to the English commissioners in 1653 by a sizeable group of burghs reflected this, calling for free trade and the establishment of manufactories. Jedburgh and Stirling produced more parochial desires on trade, the former asking for freedom from border tariffs on ‘four footit beastis and all vther kynd of merchandize’ and Stirling for only its inhabitants to be allowed to trade in the burgh. A less narrow desire was presented by the other group of burghs, which asked for manufactories to be established and that ‘able and well qualified workemen be induced to come from England and ioyne with those in this Nation in these adventures and undertakeings’.⁸⁸ Incidentally, Dundee’s guild was also trying to stimulate trade by encouraging an influx of people, in this case merchants, and lowering the fee for entry to the guild as an enticement.⁸⁹

These manufacturing ventures never took off, but there were some Englishmen, mostly soldiers, who made an impact on the trade of the burghs, if not entirely positively. English soldiers were given the right to trade in Scotland without the usual requirement of becoming a burghess of a royal burgh. It is impossible to know exactly how many seized this opportunity, but some certainly seem to have done so. Monck wrote to Cromwell in early 1655 complaining that Edinburgh’s superiority over Leith was causing the English who had settled and were trading there to leave the town in order to find better trading conditions.⁹⁰ Some appear to have settled in Aberdeen as well, as that burgh twice instructed its commissioners to conventions to appeal for help against Englishmen, particularly soldiers, who were trading in the town but not bearing

⁸⁸ Terry, *The Cromwellian Union*, 54-5, 60-1, 78-80

⁸⁹ DCA, Dundee Guild Court, GD/GRW/G1/1, f.90v.

⁹⁰ Firth, *Scotland and the Protectorate*, 239-40, 248-9; C. H. Firth & R. S. Rait (eds.), *Acts and Ordinances of the Interregnum*, ii, (London, 1911), 1006-7.

any of the burdens that for a burgess went with the privileges of trade.⁹¹ Even before these petitions came to the convention it was acting on the issue. In 1653 instructions were sent to Thomson in London showing ‘that treading is now almost wholly taken out of the hands of free burgesses and gild bretheren within the said burrows be such as have no freedom within the same free burrows and bear no portable charges therein’.⁹² By 1654 it seems to have recognised that it would not be able to prevent the soldiers from trading, and one of the articles on trade sent to its commissioners at parliament stated that soldiers should be allowed to trade only within free burghs and be subject to the laws of these burghs, and in 1656 this was repeated with the request that they also adhere to Scots weights and measures and bear a share of the public burdens of the burghs.⁹³ These requests are unsurprising and, given the fact that the burghs needed trade to be in burgesses hands in order to receive the revenue required to pay their public dues, they are reasonable requests. It is also unsurprising and indicative of the problem that this situation posed for the burghs that in 1660 they instructed Thomson to seek the repeal of the act.⁹⁴

The convention was active in trying to improve the trade of the burghs, largely by lobbying parliament but also in other ways, such as trying to encourage the former admiral depute to compile a volume of papers on maritime affairs to help the burghs in their overseas trade.⁹⁵ A large proportion of their effort in lobbying parliament was focused on trade issues. The group of burghs in 1653 had appealed for ‘absolute Restraint’ to be put on the export of wool, skin and hides as a means to encouraging manufactures. The prohibition was put in place, but the manufactures were not

⁹¹ *ACL*, iii, 248, 278.

⁹² *RCRBS*, iii, 368.

⁹³ *Ibid.*, 393-5, 428-9.

⁹⁴ *Ibid.*, 500-2.

⁹⁵ *Ibid.*, 486-7.

established to compensate for the loss of trade, and the convention was forced to regularly appeal to parliament to have it lifted. It was unsuccessful and in early 1660 was still appealing to Monck to allow the export of these goods until manufactories could be established.⁹⁶ Its appeal to parliament in 1654 also concerned the continuation of the staple, licence to import commodities, especially bay salt from France and Spain, and imports and excise to be charged the usual Scottish customs. On other occasions it was appealing for uniformity of the measures for salt and grain, ‘purchasing’ the help of the council of state to achieve this.⁹⁷ While the excise system was changed, the convention had some success on these other matters, though the allowance of the importation of bay salt raised a new difficulty.

In December 1656 a battle began against the tacksmen of the bay salt, who despite a prohibition were importing so much salt that they had gained a monopoly and were charging exorbitant customs. The commissioners at parliament were asked to seek redress, and a committee was sent to the council of state and any other competent body.⁹⁸ The convention seems to have had some success as the tacksmen were ordered to behave, but it was forced to complain again in October 1657 that the tacksmen were not accepting the conditions imposed on them. It went back to the council of state and, after getting an act in its favour, to parliament in 1659.⁹⁹ The regime, or at least its representatives, was clearly willing to help the convention and the convention still had some influence, but perhaps due to the distance from the centre of power there were those who continued to resist the council’s decisions.

⁹⁶ Terry, *The Cromwellian Union*, 54; *RCRBS*, iii, 391-2, 428-9, 482-3, 500-2.

⁹⁷ *Ibid.*, 393-5, 438, 447, 452-3, 471.

⁹⁸ *Ibid.*, 435-6, 441-2.

⁹⁹ *Ibid.*, 471, 475-7.

Coal was another commodity which exercised the convention throughout the 1650s. In 1654 the convention and some gentlemen of East Lothian gained the support of Lilburne against the coal masters who were over-charging for their coal. The judges ruled in favour of the burghs and the agent and a committee of burghs were tasked with enforcing the set prices and measures. A commission was given by the regime to some people to regulate these prices and measures, but as some of them were ‘coalmaisteris and heretouris of coall heughes’ who would benefit directly from the sale of the coal, the abuses were greater than they had previously been. Later the coal masters were found to be selling their coal to some unfreemen who were monopolising the coal, with the help of some burgesses, and the convention asked each burgh to find and punish the transgressors.¹⁰⁰ The convention was also brought into a dispute over the export of coal from Alloway, and decided to help whichever side was offering the best price on the coal and the best advantage to the burghs, before asking the commissioners for the administration of justice not to make a decision between the two parties without hearing its position.¹⁰¹

While some of its lack of success on these issues was due to the intransigence of the tacksmen of the salt and the coal masters, the convention was clearly struggling to make an impact on the trade policies of the regime, particularly regarding the export of certain prohibited commodities and the trading of the English soldiers. Part of the problem was certainly the fact that English interests were paramount for the regime, but Theodora Keith also suggested that a ‘devastated and wasted country, weighed down by heavy taxation, could not within the short space of six years adapt itself to new trade regulations and tariffs’.¹⁰² Yet the improving trade of Glasgow and

¹⁰⁰ Ibid., 370-1, 403-4, 415, 421.

¹⁰¹ Ibid., 411-2, 425-6, 475-7.

¹⁰² Keith, *Commercial Relations*, 54.

Aberdeen suggests that some burghs at least were adapting well to the new conditions, and there is evidence that, despite its struggles to make an impact on national policy, the convention was doing the same and was working round the new trade rules and system of customs and excise to its own ends.

As well as using Englishmen who would have been more familiar with the system as agents, keeping an agent in London and instructing the burghs' commissioners, the convention tried to ensure that the intricacies of English trade law did not hinder its aims. The issue of the salt brought this to the fore, as the commissioners in London were asked in 1656, 'after tryall of the laws and practickis of England to endeavour the redres thair of', and in the following year, they were thanked for their work. They were clearly heeding the instructions, and were again asked to find out if any similar case had arisen in England, who had ruled on it, and what legislation was in place to deal with it, asking for any such legislation to be sent north.¹⁰³ There was a clear recognition that action was needed to familiarise the burghs with English law and practice in order to make progress on issues of trade.

The burghs also sought to adapt to the new system of customs and excise in order to maintain their privileges and monopolies. When the excise was farmed out, the burghs realised that as it was farmed out by shire (except Edinburgh, which was allowed to collect its own excise), they were in danger of losing their privileges of collecting excise, and attempted to exclude anyone else from bidding for them. This failed, and Dow records that Dundee ended up as the only other burgh whose customs were farmed out separately.¹⁰⁴ However, this is only part of the story. Although the burghs' main aims had not succeeded, and the tacksmen in Aberdeen at least seem to have used

¹⁰³ *RCRBS*, iii, 435-6, 442.

¹⁰⁴ Dow, *Cromwellian Scotland*, 170-1; *Edin. Recs.*, 1642-1655, 386-7.

their position to squeeze as much money as possible from the excise, some burghs took the initiative and commissioned individuals to take in tack the excise for both burgh and shire. Of the burghs in the survey, Aberdeen, Ayr, Dumbarton, Dumfries, Glasgow, Peebles and Stirling all record attempts to take it on at least one occasion (it being set for anything from a few months to a year at a time). Aberdeen was clearly unsuccessful, having bid for it in 1655, 1656 and 1657, Dumbarton could not compete with the amount others offered and no outcome is recorded for Ayr and Peebles. As they never again attempted it is likely that they could not get it. Dumfries only record taking the excise once, in 1656-7, but it is Stirling and Glasgow which show particular innovation.

In 1655, 1656 and February 1657 Stirling sent a commissioner with one from the shire to take the excise, but arranged with the shire's commissioner to effectively split the two, so that the burgh only paid for its own. In April 1657 the following year's excise was set, but the burgh was unable to get it at an acceptable rate, so it simply negotiated with the new tacksman and took the burgh's excise in tack from him instead. Glasgow also sent commissioners in 1655 to take the excise of town and shire. It is clear that they did so ostensibly as private citizens rather than in the burgh's name (presumably to get round the regimes unwillingness to set it to the burghs) as, upon their return, they 'frilie demittit the same in the townes favouris'. As it only wanted the excise of the burgh, the council then set up a committee to set that of the shire to anyone who wanted it. Early in 1657 they attempted to take the tack of the burgh's excise separately, and though unsuccessful on this occasion, in April 1657 it succeeded and the shire and burgh excise were separated for that and the following two years.¹⁰⁵

¹⁰⁵ ACA, Town Council Registers, CR1/1, liii, 460, 473, 522-3; *ACL*, iii, 279; AAC, Ayr Council Minutes, B6/18/2, f.140r; WDA, Dumbarton Council Records, 1/1/3, 27 Oct. 1655; DAC, Dumfries Council Book, WA2/2, ff.81r, 92v; GCA, Council Minute Book, C1/1/13, 9 June 1655; *Glas. Recs.*,

The situation with the excise does indicate further willingness on the part of the burghs, with varied levels of effectiveness, to use the new system to their own advantage and to uphold their privileges. They also recognised that within the new system they needed to ensure that they were not being disadvantaged, and in 1659 the convention began to call for cess to be exacted on equal proportions with England as Scotland was paying over the odds.¹⁰⁶ It was apparently beginning to recognise its place within the union and decided to act within that structure to ensure that Scotland was not treated any differently than England. It was adapting to the new system in order to try to keep its privileges, but was using many of the same methods as before, an indication of its adaptability. Action against unfree traders was common throughout the decade, and the convention was also quick to act against burgesses who were trading outwith the jurisdiction of free burghs and to enforce the regulations for standard weights and measures.¹⁰⁷ It may not always have been successful, perhaps not often on the major issues of national policy on trade, but it certainly was not crippled by the need to cope with a new system of trade and excise laws.

‘The most faithfull to us ... in this Nacion’¹⁰⁸

The convention’s adaptation to the new regime was something that clearly would have taken some time. The fact that it had to seek out information regarding English trade laws and practices shows that it required effort, but this was something it was clearly willing to expend due to the prospect of reward. This prospect, the hope of exploiting the system to the gain of the estate, may have been over-optimistic but it may also have

1630-62, 319, 326-7, 355-6, 364, 396, 421; NAS, Peebles Council Minutes, B58/13/2, f.36r; SCA, Council Records, B66/20/4, 30 Jan., 7 Feb., 20 & 27 Apr., 23 & 27 Jun 1657; *Stir. Recs.*, 1519-1666, 219, 221.

¹⁰⁶ *RCRBS*, iii, 482-3, 500-2.

¹⁰⁷ *Ibid.*, 365, 384-5, 401-3, 405, 445-6.

¹⁰⁸ Firth, *Scotland and the Protectorate*, 195.

accounted for the apparent loyalty to the new regime. Various means of demonstrating loyalty were employed by the burghs beyond their assent to the English rule.

Edinburgh wrote to Cromwell in 1653 'to ingratiate the poor Toun in his Excellence favors', in the hope of having its desires fulfilled. Prominent members of the regime were made burgesses, though this seems to have happened less regularly than in the Restoration period, perhaps demonstrating the limitations of that loyalty. Edinburgh, as well as willingly awarding burgessships, was also asked to do so by the commander-in-chief.¹⁰⁹ This loyalty was recognised by Monck who, in asking Cromwell not to over-burden the burghs with the assessment, stated that they were 'generally the most faithfull to us of any people in this Nacion.'¹¹⁰

This seems to have been borne out in practice, as central interference in the burghs' affairs was limited. The convention continued to meet, mostly freely, the staple port remained at Veere, burghal elections were largely allowed to continue and the threatened imposition of magistrates was never carried out. Burghs were allowed to continue their impositions, Edinburgh's rights over Leith remained and the attempt by Cromwell to alter the charter of Glasgow was thwarted by Monck and the council of state in Scotland, eager not to alienate the burghs. What is not clear is whether these measures encouraged and retained the loyalty of the burghs or were a response to their loyalty. It seems likely to have been a combination of the two, with the loyalty of the burghs being secured by concessions and then rewarded with further concessions, most obviously the permission to hold elections which may have secured their acceptance of the Tender. In this particular concession Dow suggests that the English were seeking order and good government in the burghs, but that it in turn strengthened the loyalty of

¹⁰⁹ *Edin. Recs.*, 1642-1655, 307, 319, 328; *Edin. Recs.*, 1655-1665, 31; *Stir. Recs.*, 1519-1666, 210, 212-3.

¹¹⁰ Firth, *Scotland and the Protectorate*, 195.

the burghs, and it can be assumed that other concessions had a similar effect.

Interestingly, among all the appeals for abatements of cess, the positive response to Perth states that the council of state should allow it to keep the assessment it collected until its losses were satisfied, ‘that town having [shown] and yet are willing to shew their affection to the state’. Loyalty clearly had its rewards, and Perth’s ‘affection to the state’ must have been made more secure by this grant.¹¹¹

This should not be taken to mean that the burghs were wholeheartedly in favour of the regime. To a large extent it was self-serving loyalty, stemming from an understanding that co-operation with the regime was necessary if a burgh was to survive and flourish. The responses to the Tender of Incorporation in 1652 show that most assents were merely that, with no indication of enthusiasm. They recognised that they had little choice. There may have been an element of bullying in achieving their acquiescence, Dow suggesting that the ‘*implications* of English military control, rather than the exercise of brute force’ caused most burghs to accept the Tender. Edinburgh’s acceptance of it, having seen Lambert claim control of the provostship and part of the magistracy and council, supports this view.¹¹² It is also shown in the regime’s actions over Leith, which are described in chapter two, when it threatened Edinburgh three times with the loss of its superiority there unless it acceded to its demands.

The burghs’ resignation to their circumstances, rather than innate approval of union, can be inferred from the fact that only five out of forty-four responses showed enthusiasm for the prospect of union.¹¹³ Glasgow was the only burgh to dissent, though

¹¹¹ APS, 890; Dow, *Cromwellian Scotland*, 53-4.

¹¹² Terry, *The Cromwellian Union*, passim; Dow, *Cromwellian Scotland*, 41; Stewart, *Urban Politics*, 291.

¹¹³ APS, 777, 794; Terry, *The Cromwellian Union* – particular enthusiasm was shown by Wigtown (36-7), Burntisland (49), Rothesay (50), Dumbarton (50-1) and Rutherglen (58-9).

the arrival of nine companies of English horse and foot caused a change of heart and it assented within three weeks.¹¹⁴ Other burghs stayed away without explanation, and Dow suggests that some of these, including Lanark which had presented doubts and scruples to the English commissioners and Kirkcudbright whose shire had dissented due to disagreements between the Tender and the Solemn League and Covenant, were almost certainly absent due to their opposition.¹¹⁵ Dumfries was another of those absent burghs, having stayed away from the meeting of the convention as it was

mainlie intendit for the unione betuixt this natione and England And they
sencing that ther commissionar mey aither be ensnared in that bussines or
otherways be necessitate to attest against the procedor of the convention.¹¹⁶

The burgh recognised that in refusing the Tender of Incorporation it would be going against the rest of the convention, and decided that it would be better for it to stay away altogether. As a result, it seems to have been prohibited from holding elections that year, though it was given permission to in November 1653, despite the general ban on burgh elections, presumably because it had since accepted the Tender. Some opposition to English rule seems to have remained, the deacons of the trades protesting against choosing the provost to meet with the other south-western burghs and elect a commissioner to parliament, but the burgh generally seems to have come to accept the regime. Its reply to Monck's letter in November 1659 spoke effusively of its desire to keep the peace and demonstrate its loyalty.¹¹⁷

Some of those burghs which assented to the English in 1652 showed limitations in their desire to co-operate with the union. The commissioner from Stirling wrote to the burgh stating that doing as it commanded him in accepting the declaration concerning

¹¹⁴ Ibid., 34-5 and *n*; Nicoll, *Diary of Public Transactions*, 88-9.

¹¹⁵ Dow, *Cromwellian Scotland*, 41; Terry, *The Cromwellian Union*, 74-5, 118-20.

¹¹⁶ DAC, Dumfries Council Book, WA2/2, ff.13r, 18v; *APS*, 792-4.

¹¹⁷ DAC, Dumfries Council Book, WA2/2, ff.iii, 13r, 71v; *APS*, 792-4.

the administration of justice in February 1652, which deprived all Scottish judicatories of power, 'is my grif [i.e. grief], and God knowis how I will be exponitt for takin such ane commissione'. He finishes his letter:

Giff I had nott respeck to the towin, and ferin the evill suld fallin them, I wald never exceptit of the commissione, nor agrie to this peper, and suld hauif cost me quhat is deirist to me.¹¹⁸

As seen above, Dumbarton's provost and two bailies refused the oath and were deprived, despite Dumbarton being one of the burghs which had greeted the prospect of union with enthusiasm. The burgh did not take kindly to their dissent, fearful that it would reflect badly on it and cause it to be discriminated against by the regime. It attempted to show its loyalty by taking a list of the dissenters to the English commissioners, but even after this, once an election was permitted, a number of people dissented to it. Perhaps this was a case where religious conscience and political views clashed irredeemably.¹¹⁹ Not all were necessarily so principled, and Smith notes that there were always people ready to step in for those whose consciences troubled them.¹²⁰ Some inhabitants of Pittenweem were also reluctant to accept English rule, the council disowning the actions of their commissioner 'In complying quhith the englisches and subscryveing quhith them'.¹²¹

Given the divergence of opinions among the burghs, it is surprising that Monck was so effusive in his assertion of their loyalty. Here the very existence of the convention may have helped them win his favour. In his protest to Cromwell over interference in burghal elections, Monck wrote:

¹¹⁸ *Stir. Recs.*, 1519-1666, 200-1.

¹¹⁹ WDA, Dumbarton Council Records, 1/1/2, 23 Feb., 27 Mar. 1652; Terry, *The Cromwellian Union*, 154-5; Firth, *Scotland and the Commonwealth*, 39-40.

¹²⁰ Smith, 'Scotland and Cromwell', 211-2.

¹²¹ SAUA, Pittenweem Council Minutes, B60/6/1, f.59r.

all the burghes in Scotland (being incorporated into one body) were the very first that owned us and submitted to us, and have ever since lived peaceably under us, and whose interest is most agreeable with ours, by reason of their trade and traffick, and so more easily to bee interwoven with ours, and therefore more tenderly and carefully to bee cherished by us.¹²²

As well as supporting Smith's assertion that the burghs gained concessions due to the 'chronic penury of the early modern state', as the English needed the traders and thus the trade of Scotland if they were to support their occupation, this shows that Monck viewed the burghs as a single entity. He did so, despite the fact that not all of the burghs had been quick to submit to the regime, because of their corporate nature as expressed in the existence of the convention. There are indications, such as the attempt to remove the superiority of Edinburgh over Leith and the removal of the principal burghs' rights to have their customs farmed separately, that the English were fundamentally opposed to some of the monopolistic rights of the estate. This merely highlights the extent of the concessions which were made, suggesting that the need to have a body like the convention onside, and thus the royal burghs as a whole, prevented further erosion of their rights.

By 1660 then, the convention had become used to union, assured of its own place within the system and ready to at least attempt to make best use of it to its own ends. As seen in its requests to be taxed proportionally with England, Gillanders' suggestion that it was coming to see itself within the context of union rings true.¹²³ In this context the view of Dow and Buckroyd that the burghs wished to retain the union seems plausible, a view based on a the record of a meeting between the shires and burghs in

¹²² Davidson & Gray, *The Scottish Staple*, 209.

¹²³ Gillanders, 'The Scottish Burghs', 139.

1660.¹²⁴ The burghs had gained stability after years of war and some seemed to be recovering in their trade, so they may have believed that continuation of union would allow them to develop further. Buckroyd also suggests that the burghs had enjoyed greater influence because of the English regime's opposition to the nobles, and pressed for continuation of the union in the face of Monck's swing in favour of the nobility in 1659 so that this influence could be maintained.¹²⁵ It should also be noted that if indeed the nobles did react against a perceived growth in influence for the burghs, then their influence under the English could actually have contributed to a long-term weakening of their position (to a level even below that before 1650) as the dominance of the nobility grew.¹²⁶

However, if one of the leading figures in the union was beginning to favour the nobility, the burghs' favour towards the union could be expected to cool. Furthermore, the political situation in early 1660 was far from stable. Although Monck promised the burghs that he would seek before parliament 'what ever may be for the good Goverment and releiff of this nation' along with the abatement of their cess and other burdens, there was no guarantee that there would be an outcome favourable to them.¹²⁷ In recording the proceedings of the burgh and shire commissioners (the latter including some senior nobles) the convention does not actually say that the burghs wished to retain the union. The first list of articles, drawn up by a joint committee, does include the fourth article: 'That ane way may be thocht vpon for vniting the natiouns'. When the burghs amended these, they changed this article to read: 'That the nation of Scotland may be governed by thair owin lawis'. The shire's response was to change it

¹²⁴ Dow, *Cromwellian Scotland*, 258; J. M. Buckroyd, 'Bridging the Gap: Scotland 1659-1660', *SHR*, lxvi (1987), 13.

¹²⁵ *Ibid.*, 13-4.

¹²⁶ MacIntosh, *Parliament*, 4-6.

¹²⁷ SAUA, St Andrews Council Minutes, B65/11/1, 70.

back to the original, only replacing ‘natiouns’ with ‘nacione’, while it is recorded that not all of the nobles and gentlemen agreed to this article among themselves and had decided that ‘be reason of the importance thairof [it] is to be further advysed wpon’.¹²⁸ While the burghs’ version of the fourth article might imply an acceptance of the union with a desire to keep the laws of Scotland within it, this is unlikely and if anything it was some within the shires who were most in favour of keeping the union. The nobility who were present, who would have been unlikely to let the lairds drive the shires’ agenda, may well have seen a union under monarchy as the best route for their long-term security.

Conclusion

The convention may have begun to accept its place within the union, because it was trying to exploit that position in order to achieve as much as possible for the estate of the burghs and its trade in particular. Yet its influence was limited, more so than its freedom, as the centre of power was taken away from Edinburgh, and the favour with which some within the regime viewed the burghs for their supposed loyalty did not mean that the convention could make an impact on such crucial issues as the heavy assessment, the changing customs and excise system and the export of some staple goods. There were some successes in lobbying and in many ways its influence on a local scale continued, but the lack of money meant that burghs began to look elsewhere for financial assistance. The often ineffective attempts to make a difference on a national scale should not be criticised, for the convention was trying to improve the lot of the estate by improving trade. But these same attempts may have limited its ability to help locally, and this would have affected the small burghs, those who were least able to help themselves, the most. It could also be argued that, even if the convention

¹²⁸ *RCRBS*, iii, 429-6; British Library, Add. MS 23113, ff.80-3.

had had more success in changing national policies on trade, the small burghs would have been unable to take full advantage due to their condition, and so they would lose both ways while the large burghs benefited disproportionately. The convention may be remarkable in its unique ability as a national body to survive through the 1650s, but its limitations are all too obvious and the beginnings of its decline are evident. Keith, though she may have rather simplistically ascribed it to ‘the decline in the economic fortunes of the nation’, rightly identified the 1650s as the beginnings of a ‘decrease in the influence of the convention’, which continued into the Restoration period.¹²⁹

¹²⁹ Keith, ‘Influence of the Convention’, 264.

Chapter 5

The Convention and Parliament

The Restoration period, encompassing the reigns of both Charles II and James VII, has been portrayed as the period which saw a degree of absolute rule never previously seen in Scotland, first under Lauderdale and later more directly. It has also been noted that with the continued opposition of radical Presbyterians absolute rule was far from complete, and caused its downfall in 1688. As the introduction demonstrates, parliament has recently been acknowledged as having far more influence and power than has often been accepted.¹ However, this revisionism has not extended to the convention. Where addressed, it has been described as ‘less effective’, while its influence in all areas was ‘eroded’, and the burghs ‘lapsed back into a more passive role in parliament’.² Little has changed since Keith described how the convention was losing its influence to parliament and committees of trade, being less consulted and less representative of those involved in trade and industry, having its privileges reduced and influence in enforcing regulations removed.³

The period saw the increase of many of the difficulties that the convention had begun to face in the 1650s. MacDonald notes that the period 1550-1651 saw ‘a growing level of interest in parliament’ from the convention, and after the Restoration it continued to seek to achieve as much as possible for the estate and its trade in particular.⁴ Its means of doing this and thus its effectiveness were severely hindered by crown policy,

¹ De Kray, *Restoration and Revolution*, 54; MacIntosh, *Parliament*, 222-4; Lee, ‘Government and Politics’, 197; Donaldson, *Scotland*, 359; Brown, *Kingdom or Province?*, 5; T. Barnard, ‘Scotland and Ireland in the later Stewart monarchy’, in Ellis & Barber, *Conquest and Union*, 254; Patrick, ‘Restoration to Revolution’, 59, 63.

² K. M. Brown & A. J. Mann, ‘Introduction: Parliament in Politics in Scotland, 1567-1707’, in Brown & Mann, *History of the Scottish Parliament*, 39, 50; Brown, *Kingdom or Province?*, 15.

³ Keith, ‘Influence of the Convention’, 265-6.

⁴ MacDonald, *Burghs*, 16.

especially until the end of Lauderdale's dominant career as secretary of state, commissioner to parliament, president of the council of Scotland and, significantly, agent for the convention at court. It cannot be said to have been entirely ineffective during this period, but as the loss of most of its key trading privileges to the burghs of regality and barony indicates, it was failing to fully protect the burghs' interests in the face of their other great rivals, the landowners. While the 1680s saw some return to influence for the convention on a national level, its ability to protect the burghs' privileges on a local level was being lost under the cloud of increasing crown intervention in the affairs of individual burghs, which shall be examined further in chapter six. Thus the loss of confidence of the burghs, particularly the smaller ones, in their representative body's ability to represent their local needs effectively continued from the 1650s. In parliament the burghal estate had a forum for representing its interests, and the convention sought to use this to its advantage. But individual burghs had the same forum and thus may have felt that they needed to rely less on the convention and could go straight to parliament. Yet the convention was continuing to represent individual burghs and the interests of the estate at a political level in the face of its many difficulties and even saw some success in achieving favourable legislation. Examining its role more fully should prevent it from being too summarily dismissed, while also giving further insight into the function and power of parliament.

Representation

Despite the difficulties it faced regarding its position in relation to both parliament and crown, the convention continued to meet before and during parliaments and conventions of estates throughout the period. Indeed, the burghs were apparently the only estate to have done so, with the express purpose of ensuring uniformity among its commissioners. The convention was protective of its right to meet, stating to both

James VII and his commissioner before his first session of parliament that it had always been granted the privilege of meeting 'apairt and by themselves as a third state of parliament'.⁵ Given that the convention was so keen to retain this privilege under the new monarch, it could be expected that throughout the period it was being exercised.

Mackie and Pryde, in their discussion of the correlation between the convention and the estate of burghs in parliament, argued that this was not the case. They suggested that as parliaments got longer after the 1650s this correlation was no longer so close, particularly from 1667, with 1681 an exception. While it was acknowledged that the surviving records may not be complete, the conclusion drawn was that the burghs were content with their ability to represent themselves directly to parliament and that they were in 1672 'obviously ... becoming indifferent to the possibilities of their convention as a preparatory assembly'.⁶ While individual burghs did take advantage of their access to parliament, as shall be seen later, it is hard to believe that they would be so 'indifferent' to the convention when each burgh stood to lose from assaults on the privileges of their estate.

When one looks beyond the register of the convention, it becomes clear that Mackie and Pryde are far short of the mark in their assessment. Differences between the commissioners at correlating parliaments and conventions are minor. Appendix IV shows the numbers of burghs recorded in the sederunts of parliament, conventions of estates and the convention of burghs, details which burghs were present at one meeting but not the other and shows differences between commissioners at the different meetings. Other than those detailed, any discrepancies in commissioners can be

⁵ *RCRBS*, iv, 50-2; *RCRBS*, iii, 554.

⁶ Mackie & Pryde, *Estate of the Burgesses*, 43-8.

explained by differences in spelling. On the nine occasions where sederunts of meetings of the estates and the burghs can be compared there are only ten instances of different commissioners. One of these was Selkirk in 1681, when, as shall be seen below, the convention ruled that the commissioner was ineligible before parliament sat, and parliament did the same a few days later. It is likely that his assessor sat in the convention before a replacement was elected for parliament. The numbers of discrepancies are so low that they are insignificant and probably have relatively mundane explanations, such as absence due to illness striking between the beginning of the different meetings.

There are, however, some differences between commissioners to parliament and concurrent conventions and those to general conventions in the same years. This only seems to have happened around the time of Charles's second parliament, between 1669 and 1674, and the numbers involved were again small. Some burghs, such as Montrose, sent one merchant burghess to parliament and another to general conventions, so this does not represent any real divergence between meetings. Culross and Inveraray sent advocates who were resident merchants of the burgh and so the fact that Culross sent a different commissioner to general conventions is not particularly significant. At least three burghs (all very small) sent advocates to parliament, but sent no commissioner to the five general conventions in the period, though the one from New Galloway had previously been at conventions. Selkirk sent a laird, Whithorn the commissar of Wigtown and Forfar the sheriff-depute (James Carnegie) who was probably also the son of the earl of Northesk, and was admitted as a burghess of the burgh on the same day he was elected as commissioner to parliament. At the general conventions Selkirk and Whithorn attended, different commissioners were sent. Forfar, however, sent Carnegie to the only general conventions they attended in the period, in

1673 and 1674. There is thus some divergence, but it is not hugely significant, representing very few burghs with only two sending unqualified commissioners (i.e. not merchant burgesses) to parliament and different ones to general conventions. It is entirely possible that the small burghs who sent advocates (Kintore, New Galloway and Dingwall after its initial commissioner, the provost, died in 1670) would not have been able to send a commissioner at all.⁷

Some burghs were recorded as being present at parliament but not at the convention, but these are again small numbers, not enough to indicate clear indifference to the convention. It is possible that at least some of them met with the rest of the burghs but were absent on the first day, thus not being recorded in the sederunt. If indifference to the convention had been a problem, it could be expected that the numbers of burghs absent from the convention at the time of parliament would have grown through the period. Instead, 1681, 1685 and 1686 saw very few burghs present at parliament and staying away from the convention. More intriguing is the small number of burghs which met with the convention but are not recorded as being present at parliament. In 1661 a note at the bottom of the parliamentary sederunt states that commissioners present at most of the meetings, even if they missed the first, were on the sederunt, but this is the only time this is specified and so it could be that, in other sessions, some of those present at the convention but not parliament simply missed the first day. As there were very few burghs, it is also possible that the commissioners in question had had to go home early, while clerical error cannot be discounted.⁸

⁷ *RCRBS*, iii, 610-11, 621, 624, 633, 638-9; *RPS*, 1669/10/2, 1670/7/2, 1672/6/2, 1673/11/2; M. Young (ed.), *The Parliaments of Scotland: Burgh and Shire Commissioners* (Edinburgh, 1992), *passim*.

⁸ *RPS*, 1661/1/2.

Mackie and Pryde cite three occasions – the convention of estates in 1667 and sessions of parliament in 1670 and 1673 – when no convention sat before and alongside parliament, while they seem to accept the evidence of the register that the burghs only met on two days during parliament in 1672, with only a brief acknowledgement that the records may be ‘defective’.⁹ In three of these cases the convention almost certainly did sit. On 2 January 1667 the council of Montrose decreed that its commissioner to the convention of estates should be relieved of any security he had to give at the convention of burghs if a threatened ‘double custome of plaidinge’ was imposed.¹⁰ A day earlier, St Andrews elected a bailie as commissioner to the convention of estates, but his commission was also to ‘meitt and convin with the rest of the commissioners of the burroues of this realme to be convined in the convention of the estates’.¹¹ In 1673 it is clear that the convention met before and during parliament, as a number of burgh councils sent their commissioners to a particular convention as well as to parliament on receipt of a missive from Edinburgh, while other sources refer to the meeting.¹² Given the fact that these two conventions sat, and that it would be very strange for the convention to meet on two random days, it can probably be assumed that it did meet throughout the 1672 session of parliament, especially as no other general convention is recorded for that year and one of the two dates was 12 September, the day after parliament was adjourned.¹³ The only session for which there is no evidence of a convention yet uncovered is 1670. Yet even this cannot be assumed to be significant, as the burghs presumably decided that all important business and coordination of their position was done in the general convention that ended a mere fifteen days before

⁹ Mackie & Pryde, *Estate of the Burgesses*, 45-6.

¹⁰ AA, Montrose Council Book, M1/1/2, 207.

¹¹ SAUA, St Andrews Council Minutes, B65/11/1, 145-6.

¹² DCA, Council Book, vi, ff.52v, 54r; FCA, Kirkcaldy Burgh Council Minutes, B/KDY/1/1/1, f.120r; NAS, Peebles Council Minutes, B58/13/2, f.90v; PKA, Perth Town Council, B59/16/9, f.40v; SAUA, St Andrews Council Minutes, B65/11/2, 12; NLS, Yester Papers, MS 7006, ff.64, 66, 68; Yester Papers, MS 7034, f.48.

¹³ *RCRBS*, iii, 632-3.

parliament sat, even though only twenty-seven burghs were present due to the proximity to parliament. There would also be precedent for the convention deciding not to sit before parliament, as it had not always done so in the past, sometimes in the likelihood that there was nothing pressing for it to discuss.¹⁴

By the reign of James VII the convention still seems to have considered it normal to hold meetings before parliament, as the missive letters to the burghs display. If the records are complete, Mackie and Pryde were right to note that the convention's last meeting during both the 1685 and 1686 sessions of parliament was weeks before parliament was adjourned.¹⁵ Again, however, it would be wrong to follow them in reading too much into this. The fact is that the convention did meet before and during both sessions, in which time it would have been able to ensure that the burghs were all seeking the same aims. If anything came up in parliament for which they were not prepared and on which the burghal position had not been discussed, it seems reasonable to assume that they would have convened again as an estate. Thus every case Mackie and Pryde cited can be challenged, and their assertion of the 'indifference' of the burghs towards the convention holds very little water. Given the increasing encroachment of the landed classes on urban politics after the Revolution, their argument may stand for that period.¹⁶ But the convention continued to coordinate the burghs' action in parliament and, as shall be seen below, was certainly not impotent in doing so.

¹⁴ MacDonald, *Burghs*, 60; *RCRBS*, iii, 621-3.

¹⁵ Mackie & Pryde, *Estate of the Burgesses*, 47-8; DCA, Council Book, vi, f.187r; PKA, B59/27/3-4, B59/27/7.

¹⁶ D. J. Patrick, 'Unconventional Procedure: Scottish Electoral Politics after the Revolution', in Brown & Mann, *Parliament and Politics*, 211-29.

Yet if the convention was still acting as a coordinator for burghal action in parliament, it seems strange that it did not make better use of the fact that there were burgh commissioners among the lords of the articles and on other committees commissioned by the articles and by parliament. Throughout the period the burghs had eight commissioners on the articles, and though they were still a minority against the landed interests of the nobility and gentry and the royal interests of the officers of state (and probably bishops), it is surprising that the convention did not do more to brief them and co-ordinate its representation. The apparent wisdom of this course of action was recognised by one contemporary commentator, who in 1685 called for the convention to appoint magistrates in the burghs to discuss the trade of commodities most in use by the burghs and how it could be improved, and to report to the convention so that it could make recommendations to the council of trade.¹⁷ It would certainly appear eminently sensible for a body which represented such a key trading interest as the burghs to ensure that a strong stance was made by its representatives on the body which formulated policies to be set before parliament for approval.

A similar situation to that with the articles exists with other committees which were often appointed by parliament and included at least some burghal representation, the most important of these for the burghs being the committees for trade. One was commissioned on the same day as the lords of the articles in the first session of Charles II's parliament, with twelve commissioners from each estate. Later in the same session, an extra-parliamentary council of trade was authorised by parliament at the king's suggestion, and although unfortunately the numbers of commissioners from each estate are not included in the act of parliament the presence of burgh commissioners on other committees leads one to assume that they were represented there. This act showed that

¹⁷ Anon., *Memorialls for the Government of the Royall Burghs*, 109.

the king and parliament were aware of potential conflict between the burghs, which may rightly have felt that parliament was sanctioning the removal of a degree of *de facto* responsibility from the convention, and the committee, by appointing the privy council as arbiter between the two parties.¹⁸ Despite the possible advantage to the convention, it did not directly instruct the burgh commissioners on the council to ensure that they were acting for the benefit of the estate.

Another commission for trade was approved by parliament in 1669, with six nobles, seven shire representatives and eight burgh commissioners. This committee was approved after the lords of the articles had commissioned the same people (only with one less shire commissioner and one more burgh commissioner) ‘to consider what is fit to be done for ordering and improveing of trade within this kingdome’, and was presumably a product of their deliberations.¹⁹ The high number of burgh commissioners shows a recognition in the articles at least that the burghs needed to be included in discussions on trade, as the most qualified estate to advise on how best to advance it. Again the convention is conspicuous in its absence as an advisor or director to the burgh commissioners. A similar situation arose in 1685, when a sub-committee consisting of three from each estate (now including three bishops) was commissioned by the articles. Later, a commission of trade to negotiate with English commissioners was approved by parliament, consisting of four bishops, nine nobles (including Melfort), nine shire commissioners and only four from the burghs. It was intimated that any commissioner could ‘give in what proposalls or overtures they think fitt either to the lords of the articles or to the said committee of trade’, but despite this invitation the convention was again apparently silent.²⁰

¹⁸ *RPS*, 1661/1/13, 1661/1/364.

¹⁹ *RPS*, 1669/10/149, C1661/10/10.

²⁰ *RPS*, 1685/4/50, M1685/4/13, C1685/4/9.

Yet in all of these cases there is probably a simple explanation. Given that the burgh commissioners on these committees would have been present at the convention, they would already have been well-versed in the burghs' position on the issues at hand. If any one of them happened to be under-informed on a particular issue, his burghal colleagues on the same committee would still have been able to represent the collective position. They would not have been going in blind, without an understanding of their estate's position; the convention could, probably rightly, assume that they did not need specific instructions, so the failure to issue any is probably insignificant. Given this, it is the alacrity the convention showed in 1681 in its communication with the burgh commissioners on the articles that is most surprising. As shall be seen below, in that session of parliament it issued very clear instructions to them. The reason for this evidently unusual behaviour is perhaps in the importance of some of the issues on which instructions were issued, such as the restoration of the royal burghs' trade privileges and the qualifications of commissioners.²¹ In ordinary circumstances, it was simply unnecessary.

In the area of appeals, there is some evidence that burghs were losing some confidence in the convention, if not indifferent to it. As discussed in chapter one, royal burghs appealing directly to parliament rather than using the convention was a feature of parliamentary sessions. This had been seen before, as MacDonald indicates that individual burghs gained many acts in parliament. These included ratifications and acts on other things which would not usually have been the realm of the convention, but also overlapped with the convention's usual areas of involvement, such as the maintenance of bridges. However, the convention supported some of these causes and

²¹ *RCRBS*, iv, 26-8.

in doing so added further weight to them.²² Some of the issues the burghs took to parliament after the Restoration were outside the direct jurisdiction of the convention, such as ratifications, though not all of them. The number and variety of appeals going to parliament which would usually have been dealt with by the convention does seem to increase, with it rarely being asked to support them. It seems that in many cases the lines between convention and parliament were beginning to become more blurred for burghs. These indications of their willingness to act alone in going to parliament rather than seeking the concurrence of the convention, even on issues in which it would usually be involved, may suggest a lessening confidence in the convention after its increasing ineffectiveness in the 1650s. Yet burghs did continue to use it, while parliament often referred these cases back to the convention. Parliament as a whole clearly recognised the influence, authority and efficacy of the convention, even if some burghs no longer did.

An example of this in the early 1660s is the issue of precedence, a largely parliamentary issue which spilled over into the burghs' meeting. It was often raised, particularly in relation to the riding of parliament before it sat. In 1661 both Glasgow and Inverness protested to parliament 'that they be not prejudged of their precedency amongst the burrowes by the rolls of this present parliament'.²³ Yet while this was primarily a parliamentary problem, even before it sat this had come before the convention at its meeting in December 1660. Glasgow was in dispute with St Andrews, Stirling and Linlithgow and Inverness with Haddington, Cupar, Kirkcaldy, Montrose, Anstruther Easter and Dumfries over their precedence in the riding of parliament, and the convention's help was sought in resolving the issue. However, the burghs would not submit to the convention's decision and they were told to bring their

²² MacDonald, *Burghs*, 93-4.

²³ *RPS*, 1661/1/3.

cases to the next general convention or to submit, or the issue would be left alone.²⁴

The issue does not appear again in the convention records until 1663, when the same two burghs were still contesting precedence, though Inverness with only Haddington. Though the issue does not appear in the parliamentary register for that year, nor in 1665 when the convention remitted the issue to the next general convention (after which no more mention is made), it is clear that early in the period the convention was seen by the burghs to have some authority over the issue of their precedence even within parliament.²⁵ Yet it failed to decisively rule on the matter, making the resigned statement in 1661 that if the burghs would not ‘submit the contraversie to their decision ... they wold not medl in the bussienes’ rather than taking a strong lead.²⁶

It should be noted that there is nothing innovative in parliament’s referral of this matter to the convention, nor in its inability to deal with it effectively. MacDonald demonstrates that in the previous century disputes over precedence were referred to the convention, which could rarely make clear judgements on the matter and thus allowed disputes to continue.²⁷ This is essentially what happened in the Restoration period, and may have been a wise approach. Arguments between burghs over the status quo could conceivably have been less damaging to the unity of the estate than angering burghs by making decisions which prejudiced them and their status. The convention may well have been relieved when it was not asked to get involved in 1669 when Glasgow again protested its precedence, or when Inverkeithing did the same in 1681 and Inverness joined them both in protesting in 1685.²⁸ It could be the case that after the early 1660s parliament and the burghs involved recognised that the convention was unable to rule

²⁴ *RCRBS*, iii, 530; *Glas. Recs.*, 1630-1662, 456-7; *Stir. Recs.*, 1519-1666, 233-4.

²⁵ *RCRBS*, iii, 568, 576. See also for example: HCA, Inverness Council Minutes, 1/1/5, f.31v; Inverness Council Minutes, 1/1/6, 6 Jul. 1685.

²⁶ *RCRBS*, iii, 530.

²⁷ MacDonald, *Burghs*, 168-75.

²⁸ *RPS*, 1669/10/4, 1681/7/4, 1685/4/4.

on the matter. As this had been the case in the past, too much should not be read into this in terms of the regard in which it was held by both parliament and burghs.

It is likely that one of the reasons the convention was well regarded by parliament was that its representation of the burghs worked two ways. As well as representing the burghs to parliament, it was useful to parliament as a channel for communicating and enforcing decisions made there and relating to the burghs. This was again something that had been seen in the previous period. MacDonald notes that the implementation of statute was one of the convention's 'self-appointed roles', and that it was 'a willing participant in the process by which statute became supreme and central authority was enhanced'. Occasionally it did so 'in response to commands, but usually ... independently'.²⁹ This remained the case after the Restoration and although in the earlier period it acted mainly to ensure the enforcement of legislation it had gained, it seems to have taken on a much wider role.

The act of 1661 'establisching his Majesties authoritie' was recorded in the convention's minutes, along with the oath of allegiance and acknowledgement of the king's prerogative, while later in the same session an order from parliament was inserted ordering all burgh magistrates and councils to take the oath and sign the act for the prerogative, while any who refused or delayed were to be removed from office and reported to parliament. This would also be communicated to the few absent burghs, and no burgh would then be able to claim ignorance of the order.³⁰ In 1669 the agent of the burghs was called on by the convention to help enforce acts of parliament and convention against non-resident burgesses after a complaint was directed against Perth by the guild of Stirling, while an order was passed in 1671 to burgh magistrates

²⁹ MacDonald, *Burghs*, 76-9.

³⁰ *RCRBS*, iii, 540-1, 544-5.

to put to execution various acts of parliament concerning linen, such as that of June 1661.³¹ The agent was also ordered in 1678 and 1680 to put into execution acts of parliament, council and convention concerning the staple port.³²

These examples may not have related solely to individual recently-passed acts of parliament, and were not done at the behest of parliament but because they were in the interest of the burghs at that time. However, they do show how the convention could function as a means of enforcing parliamentary statutes among the burghs as it provided an already-established network of frequent communication and meeting. The convention clearly recognised the importance of using this network for this purpose as in July 1684 it recommended to all the burghs, after an appeal from some merchants in Edinburgh, that they buy a copy of ‘the whole acts of parliament lately printed be them of ane extraordinar letter and weel bound in folio’ for £24 a copy, a not-insignificant sum for a small burgh. How much this recommendation was followed is not clear, but in October Perth’s council authorised its treasurer to pay for a copy as ‘they wold be wsefull for ye toun’.³³

An important area in which the convention acted as an enforcer of parliamentary statute was the issue of commissioners. Even before the first session of parliament in 1661, it is seen regulating the elections of parliamentary commissioners in order to ensure that none who were unqualified or might be ‘disaffectit to his Maiesties government’ were elected. In November 1660 a committee was dispatched to Renfrew after it elected unqualified persons to be magistrates and councillors, and it was given a warrant, if necessary, to hold a new election to ensure that none of these became

³¹ Ibid., 610, 628; *RPS*, 1661/1/340.

³² *RCRBS*, iv, 9, 21.

³³ PKA, Perth Town Council, B59/16/10, f.31v; *RCRBS*, iv, 44.

parliamentary commissioners. Another committee was sent to examine the magistrates' election in Lanark, after its commissioner was discharged as a supporter of the Western Association in 1650-1 and disaffected towards the king, with the burgh told not to choose a parliamentary commissioner until the issue was resolved. The following month, Lochmaben was found to have commissioned two persons to parliament after two illegal elections, and it was ordered to elect a qualified person for the parliament and convention to follow. Nine burghs were investigated by the convention in January 1661 on suspicion of having unqualified commissioners, including the five which were not yet enrolled, as discussed in chapter one. All were found not to have done wrong.³⁴

Before the 1669 parliament the convention reiterated the regulations regarding the qualifications of commissioners to parliament and convention, that they should be 'actuall trafficking merchands, recidenters within ther burghs, bearing all portable charges with ther nighbours, and such as may tyne or win in all ther caussis', in a new act which also demanded each burgh's attendance at both meetings.³⁵ That year parliament set up a committee for disputed elections, including that in Cromarty, which had three burgh commissioners, the same number as from the three other estates.³⁶ The regulation of commissioners was within the jurisdiction of parliament, not the convention, and to an extent it is surprising that it was able to get away with its interventions in 1660. Fountainhall claimed that some were critical of the fact that, in 1681, the court of session had ruled on Selkirk's election when the case was brought by the convention, as it was parliament's prerogative to settle such cases.³⁷ However, the convention's action in these cases demonstrates its desire to ensure that the estate

³⁴ *RCRBS*, iii, 525-6, 530, 532.

³⁵ *Ibid.*, 616.

³⁶ *RPS*, 1669/10/7.

³⁷ Fountainhall, *Decisions*, 148.

was proved loyal to the crown. The lack of protest from the king's commissioner or anyone else in parliament may simply have been because parliament was glad, following a time of political upheaval, to have some of its work done so ably by the convention.

Such an attitude was demonstrated when in 1678, as the numbers of disputed elections increased, the convention of estates showed a specific willingness to allow the convention to use its influence with the burghs to do some of its work in resolving the difficulties over certain burghs' commissions. Before the estates sat the convention had shown its desire to be stringent in enforcing regulations regarding commissioners, and Whithorn's was rejected as being non-resident and not a merchant.³⁸ However, questions arose in the estates over the commissioners for New Galloway, Culross, Lanark, Linlithgow, Queensferry, Lochmaben and Rutherglen, though the latter was a mistake as the commissioner in question was no longer town clerk and thus no longer disqualified.³⁹ The first three of these are claimed by MacIntosh to have been related to voter eligibility, though the parliamentary records suggest that all except Queensferry's were questions of commissioner qualifications. Its commissioner was accepted when it was decided that it was acceptable for the inhabitants to elect him in the absence of a town council and magistrates, presumably missing due to the burgh's public burdens.⁴⁰

On the first day of the estates' meeting a paper was submitted claiming that fifteen burghs, including only Linlithgow and Rutherglen of the above and also Edinburgh and Aberdeen, had sent commissioners, 'all persons who have no manner of trade within these respective burghs, and diverse of which have nether residence nor interest

³⁸ *RCRBS*, iv, 9.

³⁹ *RPS*, 1678/6/9, 1678/6/11-2, C1678/6/3.

⁴⁰ *RPS*, C1678/6/3; MacIntosh, *Parliament*, 159.

therin', though nothing seems to have come of this paper.⁴¹ However, only the controverted elections in the seven burghs went to the committee of debateable commissions, which consisted of six clergy, thirteen nobles, eleven shire commissioners and only nine burgh commissioners.⁴² That committee seems to have referred the elections in New Galloway and Culross and, contrary to MacIntosh's statement, Lanark to the convention to be decided – the other complaints were discovered to be unfounded. Though this suggests that the estates recognised the convention as qualified judges in such cases, only one of the three was resolved by it. New Galloway's commissioner was found to be unqualified, while the case of Culross was sent back to the estates and that of Lanark sparked some debate and was referred to the following general convention, where it was not discussed. Both of the latter were accepted by the estates on the report of the committee, while New Galloway's commissioner was rejected.⁴³ Though the convention had not exactly proved itself to be proficient in reaching a decision, its acts over eligibility were the standard for the committee which recognised its expertise in dealing with such matters and was willing to adhere to its decisions.

In 1681 the commissioners for Rutherglen, North Berwick and Selkirk, among others, caused some problems for parliament, though it was claimed that there were twelve or thirteen burghs with non-resident and thus unqualified commissioners.⁴⁴ North Berwick had apparently held an illegal election and despite attempts to defend him and challenge the qualifications (which MacIntosh suggests was due to the other candidate being a kinsman of Lauderdale) the commissioner was found to be neither a resident nor a merchant there. Rutherglen's commissioner was found to be linked to the late

⁴¹ *RPS*, A1678/6/3.

⁴² *RPS*, 1678/6/6.

⁴³ *RPS*, 1678/6/9, 1678/6/11-2, C1678/6/1, C1678/6/3; *RCRBS*, iv, 10; MacIntosh, *Parliament*, 159.

⁴⁴ *RPS*, M1681/7/12-13.

rebellion at Bothwell Brig and Selkirk's, Sir Patrick Murray, to be neither resident nor merchant, so another was chosen and admitted.⁴⁵ Incidentally, Murray had been commissioner for the burgh in each meeting of the estates from 1669 to 1673, and was clearly a victim of the tightening of the qualifications for commissioners in 1675. He may even have been one of the reasons the king wished to enforce the qualifications, as his letters from the convention in 1673 show that he was firm in his opposition to Lauderdale. Though there was obviously some encroachment by the shires, this was stamped out (as these disputes show) and there was not as much of a 'blurring of the distinction' between the shires and burghs as Goodare has suggested, at least not before 1689. The only example he uses is John Dempster of Pitliver, who sat for Inverkeithing in 1681 and whose commission was upheld that year despite a challenge, before sitting as commissioner for Fife in 1689. Dempster was indeed a burgess of Inverkeithing, and this case certainly does not represent an 'invasion' of the burghs by the gentry.⁴⁶ Such an invasion seems to have happened in England, where patronage was widely used by the crown and landed classes before the Restoration and increased after it. The convention almost certainly helped avoid this in Scotland, as the English boroughs relied on patronage to gain influence, a function the convention fulfilled.⁴⁷

None of these disputes over qualifications was referred by parliament to the convention. This may in part reflect its inability to reach decisions in 1678, but it had proved more able before parliament as it had taken Selkirk to the court of session for breaking the convention's rules in its election. Though, as seen above, some complained at the session's ruling in a parliamentary matter, it was proved right as its

⁴⁵ *RPS*, 1681/7/13, 1681/7/15, M1681/7/3-4, C1681/7/1, A1681/7/3-4; MacIntosh, *Parliament*, 189-90.

⁴⁶ J. Goodare, 'The Estates', 27; NLS, Yester Papers, MS7006, f.64; Young, *Parliaments of Scotland*, 181, 530-1.

⁴⁷ N. Ball, 'Representation in the English House of Commons: the new boroughs, 1485-1640', *Parliaments, Estates and Representation*, 15 (1995), 117-24; P. Clark & P. Slack, 'Introduction', in Clark & Slack, *Crisis and Order*, 24; Clark & Slack, *English Towns in Transition*, 13.

decision in favour of the convention's qualification regulations was echoed by parliament.⁴⁸ The convention's presumptuous action in going to the session may also have contributed to parliament's decision not to involve it in resolving the three cases, as may the fact that there was some opposition to the attempts to hold to the residency qualifications for burgh commissioners, even though the convention had sought to uphold them.

Objections to Charles Maitland as commissioner of North Berwick, due to his connections to Lauderdale, may have caused some of this opposition. But the burghs' disquiet may also have been connected to their fear in 1674, when the qualifications were asserted by the king, that non-residents were among the most qualified persons to represent them. It would have been heightened by the fact that, according to MacIntosh, this clampdown on qualifications meant that forty-three of the sixty burgh commissioners in 1681 had no previous parliamentary experience (the commissioners at the convention of estates in 1678 being the same as at parliament in 1673).⁴⁹ Perth's commissioner reported such dissent when he told his council that an act had arisen from the 'Comittie anent double comissions' which stated

that none shall represent any burgh in parliament or convention bot such as are residenters burgesses and trafequeing merchants etc: wch wes against the mynd of many burgesses who Judged it some restraint upon their priviledges though most of us have alwayes observed it and are willing to observe it.⁵⁰

While this fear of burghal dissent may have been valid and prevented the convention from being involved in resolving the disputes, it did nonetheless show that it was still willing to enforce the qualification regulations. It fined Selkirk 1,000 merks (£666 13s

⁴⁸ Fountainhall, *Decisions*, 148.

⁴⁹ MacIntosh, *Parliament*, 187.

⁵⁰ PKA, B59/34/1a.

4d) for electing Murray as its commissioner, though the fine was later remitted in part and then the same amount given to the burgh as relief for its poverty.⁵¹ The convention would still act to enforce parliamentary legislation among the burghs, even when some of its members were unhappy with it.

Though the convention was a useful tool for disseminating information from parliament to the burghs, and ensuring that parliamentary statutes were enforced, that did not mean that the convention simply followed parliamentary dictates. When Anstruther Wester, Cromarty and Kilrenny tried to demit their position as royal burghs, as discussed in chapter three, the convention clearly ignored parliamentary acts approving this. Only Cromarty was allowed to leave, thirteen years after parliament said that it could. The acts were felt to directly prejudice the convention, as it would have to bear these burghs' contributions to the estate's dues, while at the same time being minor enough that the burghs seemed to feel able to ignore them. Yet the convention was demonstrating a perhaps surprising willingness to stand in direct opposition to parliament in order to protect the interests of the estate.

Sessions of parliament were more frequent and longer than they had been before the Covenanted parliaments in the 1640s, which also were regular and long.⁵² This may have provided many opportunities for individual burghs and the convention in terms of representation, but it also created a problem for both, which was the matter of expense. More frequent sessions of parliament would obviously mean more expense for the burghs in horse hire and other costs involved in getting a commissioner to Edinburgh, while the allied feature of longer sessions would greatly increase the overall costs of

⁵¹ *RCRBS*, iv, 34, 42, 44.

⁵² See *RPS*.

accommodation and food and other day-to-day expenses. Representation for individual burghs and the estate alike came at a cost.

For the larger burghs this may not have made too great a dent in their finances. In 1673 the provost of Perth's expenses came to £355 0s 2d, compared to the burgh's income of just over £46,000 and discharge of almost £50,000. A similar expense in going to parliament in 1685 and £283 13s in 1686 would have made a bigger dent on those years' accounts with income and expenditure of around £20,000 and £13,000 respectively, but were still not exactly huge amounts.⁵³ Even the expenses at the longest session of parliament in 1661, which came to at least £1,120, did not represent a large amount in relation to the flow of money through its accounts, though it would have covered most of the deficit at the end of that year.⁵⁴ Dundee, where the flow of money through the accounts is much smaller than Perth, may have been more acutely aware of the impact of the expense of parliament. Expenses in 1661, 1662 and 1663 reached £1,174 10s 8d, £906 and £687 respectively. On the first occasion this accounted for over one-eighth of all expenditure and well over that proportion of the income, and the latter two in the region of one-tenth of expenditure and a higher proportion of income. The charges in 1678 (over £1,100 compared to expenditure of £7,500 but an income of only £4,500) remained quite high, and these sums certainly made a significant impact on the financial health of the burgh.⁵⁵

For some smaller burghs the level of expenditure on parliamentary expenses in relation to the flow of money through the accounts seems to have been at a similar level to that of Dundee, as their commissioner's expenses were much lower – presumably due to

⁵³ PKA, B59/19/4, B59/19/11, B59/19/13.

⁵⁴ PKA, B59/25/4/2.

⁵⁵ DCA, Treasurers' Account Book.

lower daily rates for commissioners and only one commissioner going rather than a commissioner with others to advise and assist. Thus Montrose, a middling burgh on the tax roll, paid its commissioner £205 as his expenses in 1686, from an income of just under £3,000.⁵⁶ Dumfries, another middling burgh, had its parliamentary expenses of £400 in 1663 balanced against an income of just over £2,700, though its expenditure was almost £3,500.⁵⁷ Some of the smallest burghs' expenses were at similar levels, such as Brechin and Arbroath whose expenses covered just over one-eighth of both their income and expenditure, and Peebles whose expenses were small both in relation to other burghs' and the totals of its accounts, presumably due to its proximity to Edinburgh.⁵⁸ However, many burghs, most of them small, seem to have faced real difficulties in financing their commissioners: Crail's expenses in 1663 accounted for almost half of both the income and expenditure of the common good accounts; Dumbarton spent nearly a quarter of its income in 1661-2 on parliamentary expenses; Elgin's income was outweighed by its commissioner's expenses in 1661 while up to 1681 they accounted for at least a third of income in a parliamentary year, and usually nearly a quarter or more of its expenditure; in making its accounts in 1663 Jedburgh reported the 'overplus being 120^{lb} with the comissioners at parliament and conventions of burrowes thair fies yeirlie imposed Wpon the inhabitants be ane stent roll'; while Lauder in 1663 had commissioner's expenses of £100 with a reported income of merely £20. Inverness, a mid-sized burgh, initially decided in 1670 that it could not afford to send a commissioner to parliament, though they eventually decided that it was important for it to do so and borrowed £20 sterling (£240) for that purpose. In 1681, faced with a bill of £389 13s 4d as the first part of almost £650 owed to its commissioner, it had to stent it on the inhabitants as it could not afford to pay. Its

⁵⁶ AA, Montrose Treasurer's Accounts, M3/2/22.

⁵⁷ NAS, E82/17/5.

⁵⁸ NAS, E82/45/5-6, E82/45/9, E82/5/5, E82/8/2.

expenses for James' parliaments came to a total of £1,161 1s 10d, almost as much as its income in any year from 1680 to 1684.⁵⁹

These circumstances occasionally put strain on the commissioners themselves. Due to the length of the session in 1661 someone was sent to relieve Montrose's commissioner. The same year James Borthwick, a surgeon in Edinburgh and one of its commissioners, appealed to the council to be freed of attendance at parliament in future due 'to the great prejudice not of himselfe onlie but many of his Patients'. Borthwick was nonetheless elected, but gained an act of parliament in his favour allowing him to demit his position.⁶⁰ The burghs certainly suffered and it seems to have been common practice to limit the amount of money which would be granted to their commissioners each day. These amounts were similar to those paid between 1633 and 1651, when parliamentary sessions were also long.⁶¹ In 1661 Rothesay set a limit of a mere 2 merks (£1 6s 8d) daily, Dumbarton paid £2, while Perth's allowance to its commissioner was a much more substantial £5 daily, to which amount Aberdeen's was raised (from £4) in 1673.⁶²

After the first session of parliament, the council in Montrose recognised that its common good would not be able to sustain a commissioner at a high daily rate due to the length of the sitting of parliament, and set the rate at 30s daily, nearly as little as paid by the much smaller burgh of Rothesay. However, on his return, its commissioner complained at this paltry sum and threatened to have the perceived wrong redressed by

⁵⁹ HCA, Inverness Council Minutes, 1/1/5, ff.120v-121r; Inverness Council Minutes, 1/1/5, 7 Nov. 1681; WDA, Dumbarton Council Records, 1/1/3, 15 Jun. 1661, 14 Jun. 1662; NAS, E82/40/8, E82/34/6, E82/23/4, E82/10/11, E82/31/5.

⁶⁰ *RPS*, 1662/5/58; *Edin. Recs.*, 1655-1665, 292; AA, Montrose Council Book, M1/1/2, 151-2.

⁶¹ MacDonald, *Burghs*, 86.

⁶² ACA, Town Council Registers 1/1, lv, 535; PKA, Perth Town Council, B59/16/8, f.88r; WDA, Dumbarton Council Records, 1/1/3, 15 Jun. 1661; *Rothesay Town Council*, 56.

parliament. To avoid a public hearing, the council agreed to double the rate to £3.⁶³

Yet the strain on Montrose remained, and in 1667 and 1669 it had to borrow money to pay at least part of its commissioners' expenses, the latter after the 1669 commissioner was asked to pay his expenses from his own pocket on the promise of repayment.⁶⁴ In 1662, several commissioners in the convention which met during parliament complained that their burghs had refused to pay their expenses, and the convention, before the adjournment of parliament, ordered these burghs to give their commissioners 'ane honorabill and competent sallarie for thair paines and charges'.⁶⁵ Most burghs seem to have complied with this act, with only Pittenweem requiring an order to pay its commissioner to the parliament and convention in 1663.⁶⁶

Two dangers for the convention are apparent from this struggle to fund commissioners at longer and more frequent sessions of parliament. The first is that burghs could decide not to send commissioners to parliament, thus weakening the estate when it was already a minority. As Appendix IV indicates, this seems to have been a problem after the first session, when burgh attendance dropped from sixty-one to thirty-nine. Lee suggested that this was probably be due to 'distance, indifference, or hostility to the [Restoration] settlement', but the simple problem of expense is at least as likely.⁶⁷ The drop in attendance overall sparked an act of parliament threatening fines for each commissioner who did not attend, those from the burghs being threatened with a £200 fine – considerably less than £1200 for each non-attending archbishop, bishop or nobleman and £600 for each shire commissioner, but nonetheless a significant

⁶³ AA, Montrose Council Book, M1/1/2, 161, 175.

⁶⁴ Ibid., 208-9, 230, 234.

⁶⁵ *RCRBS*, iii, 560, 562.

⁶⁶ Ibid., 569.

⁶⁷ Lee, 'Government and Politics', 30.

amount.⁶⁸ MacIntosh suggests that the burghs' reaction to this act may account for the rise in their attendance in 1663, but given that only three more burghs were represented, it is hardly an overwhelming response, indicating that the burghs were still struggling to fund commissioners.⁶⁹ Throughout the period, however, burgh attendance at parliament was generally good, with less than ten burghs absent in eight of the thirteen meetings of parliament or conventions of estates. As in the 1640s, most burghs were willing to incur the costs of keeping their commissioners at parliament despite the economic difficulties many of them were facing.⁷⁰ The lower attendances were between 1662 and 1667 inclusive, which was probably a result of three very long sessions at the start of the decade, and in 1673 when the confidence of the burghs in both convention and parliament to act on their behalf may have been at a low ebb due to the 1672 act concerning their privileges.⁷¹ Given that they were already in a minority facing powerful noble and crown interests which certainly did not always seek the good of the burghs, any low attendances at parliament cannot have been beneficial to the convention and thus the expense which burghs had to bear in getting there was, by extension, dangerous to the interest of the estate.

The second danger stemming from the expense incurred by the burghs in sending commissioners to parliament was that the convention's extra-parliamentary business could also suffer, again due to the absence of large numbers of burghs. Chapter three discusses absences at conventions in relation to the economic condition of the burghs, finding that there is no clear trend of increasing absences throughout the period and that, despite or perhaps because of their financial difficulties, the burghs continued to see value in attending. Some of the fluctuations in attendance can be linked to

⁶⁸ *RPS*, 1662/5/7.

⁶⁹ MacIntosh, *Parliament*, 48.

⁷⁰ MacDonald, *Burghs*, 87.

⁷¹ See sederunts in *RPS*.

meetings of parliament, and can be followed in Appendix III. Absences from conventions were highest in the 1660s and 1670s, when parliament or conventions of the estates sat most regularly (with nine meetings in the thirteen years after 1660), often for lengthy periods. There was significant improvement in attendances in the early 1680s and although after 1685 attendances dropped again, they did not fall to the levels of the 1660s and 1670s.⁷² The shorter sessions and less frequent sitting of parliament and conventions of estates (with only four meetings in fifteen years after 1673) could explain this rise, though it could have also been influenced by the apparent increase in influence for the convention in parliament in 1681. For at least four burghs in July 1685, the expense of having recently had a commissioner at parliament was included in their excuses to the convention to explain their non-attendance.⁷³ Given that the 1685 session of parliament lasted less than two months, compared to nearly seven months in 1661 and four months in both 1662 and 1663, it does not seem unreasonable to assume that at least some of the many absences from conventions in the period were due to similar reasons of the expense of keeping a parliamentary commissioner. These absences would then restrict the ability of the convention to reach a decision to which the estate could adhere, would increase their difficulties in communicating their decisions to all of the burghs, and would generally hinder their ability to function effectively.

Legislation

Despite the financial difficulties, it is clear that the burghs continued to meet together and the convention was able to coordinate the estate's action in parliament, and in doing so proved to be more influential and effective than historians have tended to

⁷² See Appendix III.

⁷³ *Records of Inverness*, 332-3; AA, Forfar Town Council Minute Book, F1/1/1, 279; ECA, Moses Bundle 211 – contains excuses of St Andrews and Elgin.

allow. A chronological examination will demonstrate some success on the part of the convention in achieving favourable legislation, but will also show that it found itself ranged against formidable opponents in the nobility and the crown. Brown has demonstrated that the comparative representation of the burghs in parliament, particularly in relation to the nobility, was eroded between the unions of crowns and parliaments, and particularly after the Restoration when the rate of growth of the burghal estate slowed.⁷⁴ It has also been seen in chapter one that landowners were increasingly seeking to gain new revenue and, presumably as a means to this, to improve the national economic power of Scotland, and their increased dominance in parliament provided a platform to make this possible.⁷⁵ However, landed interests in trade included the burghs of regality and barony over which they had jurisdiction, and this brought them into direct conflict with the royal burghs who spent so much time and energy trying to protect their own interests and trading privileges from these unfree burghs. As has been noted by Whyte and Smout, the landowners' seeking of revenue and their challenge to the royal burghs is seen in the large numbers of markets and fairs which were granted to them as unprecedented numbers of new burghs and non-burghal market centres were authorised by parliament in the period, leading to many complaints from neighbouring royal burghs.⁷⁶

At the beginning of the period the convention seemed to have a degree of optimism about its prospects of making an impact on government, as the particular convention in September 1660 called for all burghs to ensure that they sent commissioners to the

⁷⁴ Brown, *Kingdom or Province?*, 15; Brown & Mann, 'Introduction', 49.

⁷⁵ Devine, 'Union of 1707', 26; T. Devine, 'Scotland', in Clark, *Cambridge Urban History*, 157-8. See also: Smout, 'Scottish Landowners', 218-34.

⁷⁶ Whyte, 'The growth of periodic market centres', 13-26; Whyte, 'The function and social structure of Scottish burghs of barony', 11-24; Smout, *Scottish Trade*, 16, 72. See also *RPS* throughout the reigns of Charles II and James VII, and *RCRBS* in the same period.

estates, with their expenses covered, or face prosecution.⁷⁷ It recognised the need for the burghs to have good representation, presumably both to defend and promote their interests and privileges, while also pragmatically recognising that the larger their representation, the better impression the burghs would give of a willingness to serve king and nation, which would surely further their cause. In the same meeting the convention appointed Edinburgh to extract any papers relating to the erection of a fishing trade, which it wished to represent to parliament as an issue which would benefit the trade of the burghs and of the kingdom.⁷⁸ At a subsequent general convention in December the English Navigation Acts demanded a response, so a letter was written to Lauderdale, representations were made to the officers of state and a committee appointed to discuss and report before parliament with all burghs asked to speak to their guild and ‘ablest’ merchants to ask their advice.⁷⁹ Within a month of the downsitting of parliament, a further committee was appointed ‘to draw up such overtures as they shall think most convenient to be presented to the parliament’ regarding ‘the promoting of trade within burghs, and that encouragement should be given to merchandise and their companies for that effect’, with power to consult with merchants, advocates and any others.⁸⁰

On June 12 1661 parliament passed seven acts relating to trade and manufactures which largely favoured the burghs, including one allowing for the erection of companies for promoting fishing.⁸¹ It certainly was not grudging in passing these acts, as the commission established to discuss trade contained twelve burgh representatives and was assigned ‘to call, for the advice and help of understanding, merchants or any

⁷⁷ *RCRBS*, iii, 521.

⁷⁸ *Ibid.*, 523.

⁷⁹ *Ibid.*, 528-9.

⁸⁰ *Ibid.*, 535.

⁸¹ *RPS*, 1661/1/338-344.

who can give best information in those affairs'.⁸² However, these acts did not go entirely the convention's way. Contained within the 'act for encourageing of shipping and navigation' was the requirement that merchants take oaths before the customs and excise officers that they were adhering to the terms of the act.⁸³ This was despite the convention, on hearing of the possibility of this clause in January and considering it 'to be of most dangerous consequence not onlie to mens consciences but as they conceive of all probabilitie most prejudiciall to his Majesties service', appointing a committee to apply to the commissioners of excise to prevent this.⁸⁴ Nonetheless, the convention's organised and well-prepared approach to the issue must surely have aided the passing of these acts, as it presented a united front and clear proposals from the estate which knew most about and was most concerned with the issue.

The burghs in 1661 also received a ratification of their rights,

perpetually confirmeing in favours of the royall burrowes of Scotland, all and whatsumever charters, infeftments, confirmations, gifts, grants, donations, mortifications, decreits, sentences [and] acts of parliament or secreit councill, conceived in favours of the saids royall burrowes of Scotland for their generall or particular conventions and other liberties belonging unto them, and all other writs and evidents whatsumever made, granted or conceived ... to and in favours of the saids burghs in relation to the generall or particular conventions aforsaid, in the haill heids, articles, clauses and conditions of the same conceived in favours of the said royall burrowes.⁸⁵

It is interesting that this ratification did not just cover the rights of the royal burghs individually, but also the actions of the convention. It would seem likely that such a

⁸² *RPS*, 1661/1/13.

⁸³ *RPS*, 1661/1/341.

⁸⁴ *RCRBS*, iii, 535-6.

⁸⁵ *RPS*, 1661/1/191.

wide ratification would inspire some confidence among the burghs in the ability of the convention, with this indication of royal approval, to successfully promote the interests of the estate. They certainly had the confidence to protest against the commission for the justices of the peace, both at its reading and remittance to the articles and when it was eventually passed by parliament. Although the parliamentary records suggest that the protests were relatively routine and simply stating their rights and jurisdictions against those of the JPs, the report to the convention by the provost of Edinburgh, who made the protest on behalf of the estate, suggests a genuine concern that the act ‘nicht ineroach wpon the priviledges of burrowis who ar justices of peace within thair owin boundis and liberties’.⁸⁶ The protest may not have prevented the act from passing without any significant changes in the burghs’ favour, but it does indicate a degree of confidence in their status and influence as an estate.

Another area where the burghs had some (temporary) success was in the matter of 80,000 merks (£53,333 6s 8d) imposed on the burghs by the parliament in 1661 as their proportion of a foot levy raised in 1650.⁸⁷ During the 1662 session of parliament the convention appointed a small committee to draw up a supplication against the payment of this sum, and within seven days an act was passed suspending payment until further deliberation at the next session of parliament.⁸⁸ Unfortunately for the convention, it was only able to gain a reprieve, as after a petition by Lord Bellenden that the intended recipients of the money (who furnished ‘provisions and others’ for the king when he was at Stirling and Perth in 1650-1) were suffering from not receiving it, the suspension was remitted.⁸⁹ However, this incident displays further that

⁸⁶ *RCRBS*, iii, 543; *RPS*, 1661/1/423, 1661/1/425, M1661/1/24, M1661/1/30.

⁸⁷ *RPS*, 1661/1/444.

⁸⁸ *RPS*, A1662/5/18; *RCRBS*, iii, 560.

⁸⁹ *RPS*, A1663/6/14.

the convention could be influential in providing a means for the burghs to collectively promote their interests within parliament.

Legislation immediately after the Restoration does, however, demonstrate the power of the royal interest, one of the opponents the convention found itself up against. It gives the distinct impression of an attempt to appease the wrath of the returned king. This is hardly surprising, as the revolt against the monarchy which began in 1637 had ended in the subjugation of Scotland by the English, thus leaving those who had supported the Covenanters no lasting success to give them a basis for continued challenge to Charles II, while those who had supported the English regime could by extension be seen to be supporting the regicide of 1649. Furthermore, Charles II's own brief period of personal rule in Scotland in 1650-1 had not been on his own terms. If revenge was on his mind, many of those in parliament stood to lose much. Thus on only the fourth day of the first session of parliament since the Restoration, Charles II's prerogative in choosing the officers of state, privy councillors and lords of session was reasserted, followed by the assertion of his prerogative in making laws through the means of parliaments which only he could call.⁹⁰ Later, the convention of estates of 1643 and the 'pretended parliaments' of the 1640s were annulled.⁹¹ The convention recorded in its minutes the act of 27 February 'for taking the oath of allegiance and asserting the royal prerogative', while at the end of May a further act was passed ordaining all magistrates and councillors of burghs to take the oath and sign the act at their next meeting under threat of being 'removed from public trust'.⁹² The burghs were prepared to face upheaval in their government, with the potential of many people being excluded from

⁹⁰ *RPS*, 1661/1/16-7.

⁹¹ *RPS*, 1661/1/32, 1661/1/158.

⁹² *RPS*, 1661/1/88, 1661/1/318; *RCRBS*, iii, 540-3.

it, as happened in Dumfries, in order to satisfy the king, whose authority was made abundantly clear.⁹³

In 1663 a further act was passed in favour of the king's prerogative, one which MacIntosh termed an 'extraordinary innovation', though she also suggests that it was sparked by parliament's embarrassment over an attempt in 1662 to have Lauderdale and his faction excepted from a future indemnity, which the king annulled.⁹⁴ This was the 'act asserting his majesties prerogative in the ordering and disposall of trade with forraigners', passed on the final day of parliament and giving the king complete control in trade, in granting gifts and monopolies and imposing any levy on foreign commodities.⁹⁵ Perhaps equally extraordinary is the apparent lack of opposition, whether in the form of a protest or even a disgruntled expression in the convention's minutes. The burghs must have been aware of the potential danger to them as the act in theory took away any voice they had in ordering the trade in which they had the prime interest. Any concern expressed in their meeting which met at the same time as parliament was not recorded in the final register. There is a possibility that the sudden appearance of this act on the final day of the parliament was designed to give the burghs no time to discuss the issue together and thus formulate some degree of opposition, though no attempt to delay the act seems to have been made and the particular and general conventions which met in May and June 1664 respectively made no mention of the act or an attempt to challenge it.⁹⁶ However, it should be remembered that in one sense this act would change nothing from the 1650s. It was in that decade that jurisdiction over trade in Scotland passed out of the hands of any Scottish institution, with the act of union in 1654 stating that all laws on trade

⁹³ DAC, Dumfries Council Book, WA2/2, ff.173v-176.

⁹⁴ MacIntosh, *Parliament*, 45-6, 51-2.

⁹⁵ *RPS*, 1663/6/110.

⁹⁶ *RCRBS*, iii, 563-75.

throughout the Commonwealth would conform to those of England.⁹⁷ Nonetheless, the passing of the act for the king's prerogative in trade demonstrates that the burghs were unable to compete with the other interests at work in parliament.

The 1663 session of parliament, despite this act, saw the continuing influence of the convention in issues of trade. On 21 June it decided to ask parliament to put 'ane considerable excyse' on commodities imported from England, as a response to the impositions laid on Scots goods by the English parliament, to try to press the English into restoring free trade. It also decided to ask the king's commissioner and lords of the articles for the removal of customs on 'lingit seed, brass panes, and irne pottis, [which] ar absolutlie necessarie for the vs of this kingdome', but had not been excepted in the act of annuity.⁹⁸ Though its more general request for the removal of the excise was unsuccessful, this request (ordained by the convention later the same day) was at least in part accepted and an act of parliament passed excluding linseed, hempseed and steel from the excise.⁹⁹ The former request also seems to have influenced parliament as an 'act for an new imposition upon English commodities' was passed. Yet even in this success the forces the convention was up against are evident. It was immediately followed by an act in which

his majestie, with advice and consent of his saids estates of parliament, gives full power and warrand to the lords of his privy councill to abate or wholly take aff these impositions layd be the forsaide act upon the English commodities according as they shall be commanded be his majestie.¹⁰⁰

This was later followed with the act asserting the king's prerogative in matters concerning foreign trade, and it is clear that the king was willing to allow Scotland to

⁹⁷ *APS*, 816-7.

⁹⁸ *RCRBS*, iii, 564.

⁹⁹ *RPS*, 1663/6/87.

¹⁰⁰ *RPS*, 1663/6/40-1.

oppose English trade, as long as he could overturn these acts, presumably in the event of an overwhelming demand from within England for alteration. Despite the fact that the act had such a dramatic proviso, the convention's lobbying of parliament had been at least partially successful.

Another situation arose in the same session when the convention decided to appeal to the commissioner for the removal of the excise placed on merchant commodities in 1661 towards the king's annuity, claiming that it was 'totallie destructive to the tread of this kingdome'.¹⁰¹ Although the excise was not removed, an act was passed regulating the proportions of the excise paid by several shires and burghs, but the only burghs included were Edinburgh, Glasgow and Dundee.¹⁰² It is unclear whether or not the convention's actions influenced the alteration of the proportions paid by these burghs, but it demonstrates that the convention was willing to directly challenge an act of parliament, even if it was unwilling to challenge one directly in favour of the king, namely that over his prerogative in trade.

The next clear example of the influence of the convention in parliament comes in 1669. MacIntosh relates how an attempt was made to regulate customs duties on salt, so that those who were previously exempted by using imported salt for fishing would have to apply for a rebate. The burghs successfully 'worked to mobilise opposition, cajoling members of the other estates to join forces and unite against the proposed amendment', though they were defeated by chancellor Rothes' casting vote, made with an apology to the opposition. As Mackenzie suggested, those without direct interest would vote with the crown and help the act pass.¹⁰³ Yet the burghs had shown their

¹⁰¹ *RCRBS*, iii, 563-4; *RPS*, 1661/1/160.

¹⁰² *RPS*, 1663/6/46.

¹⁰³ Mackenzie, *Memoirs*, 167-73; MacIntosh, *Parliament*, 94-5; Lee, 'Government and Politics', 212-3.

ability for concerted action, even to the extent of mobilising members of the other estates to support them. The fact that they were working together to rouse opposition shows the convention's influence, while the particular convention of December 1667 sent grievances to the treasury in which the imposition on salt featured heavily, and the general convention in March 1668 agreed to send a delegation to present a paper to the exchequer regarding the imposition.¹⁰⁴ The imposition of salt was something which greatly concerned the convention, and its influence was exerted to good effect, if ultimately fruitlessly, in parliament.

Though the limitations of the convention had ultimately been exposed on this occasion, in 1672 the burghs' clash of interests with the nobility led to an act of parliament which represented for them a much heavier and more significant defeat, in the shape of the 'act concerning the priviledges of burghs royall'. This act claimed that the privileges of the royal burghs in foreign trade were 'highlie prejudiciall to the common interest and good of the kingdome', and particularly to the burghs of regality and barony. As a concession to the fact that the royal burghs paid one-sixth of public burdens such as taxation, they were allowed to keep the privilege of 'wine, walx, silks, spiceries, wald and uther materialls for dying'.¹⁰⁵ This concession can hardly have appeased the burghs, yet as with the 1663 act there is little sign of opposition in 1672. It has been suggested that the 1672 act had been part of an attempt by Lauderdale to 'curry favour with nobility, even at the expense of the other estates'.¹⁰⁶ There is little doubt that Lauderdale stood to benefit from the act, but Lee noted that in 1675 he told his brother that it had been driven by the duke of Hamilton and that he was 'passive' in it. Whether it was the crown which introduced the act, and Lauderdale was

¹⁰⁴ *RCRBS*, iii, 590-3, 599.

¹⁰⁵ *RPS*, 1672/6/13.

¹⁰⁶ Patrick, 'The origins of the opposition', 14-5.

downplaying his role, or ‘a landowning lobby’, the power of the burghs’ opponents was overwhelming.¹⁰⁷

The issue had initially been referred to parliament by the court of session after Stirling had brought a case against Falkirk for infringements of their privileges, and the convention had supported it in this case, sensing an opportunity to reassert the royal burghs’ privileges against all encroachments. It had also in 1671 made representation to Lauderdale at court both in writing and directly through the provost of Glasgow.¹⁰⁸ When it had wind of a proposed act of parliament against the burghs it wrote to Lauderdale, while the instructions to Aberdeen’s commissioner to the convention before Parliament told him to

advert to and oppose with the assistance of the burrowes and any other assistance ye may have the intenting or granting by the parliament of inhansing or monopolising any thing in favor of any persone tending to the incroachment of the liberties and priviledges of royall borrowes.¹⁰⁹

This instruction seems to relate particularly to acts in favour of individuals, and perhaps this helps to explain the apparent lack of opposition or protest on the part of the convention and the royal burghs. The scope of the 1672 act meant that they would be unlikely to gain support from any other quarter, as the rest of parliament stood to gain from the act. Not only this, but the one to whom they had made their representations, their agent at court and the king’s commissioner, Lauderdale, stood to gain personally from the act due to his interests in Musselburgh. As Mackenzie suggested, this may have turned the burghs against Lauderdale, but their silence suggests that they recognised their virtual impotence in the face of such opposition.

¹⁰⁷ Lee, ‘Government and Politics’, 218-9.

¹⁰⁸ *RCRBS*, iii, 626, 630-2; MacIntosh, *Parliament*, 119-20; MacKenzie, *Scottish Burghs*, 145-7; Keith, ‘Trading Privileges’, 680.

¹⁰⁹ *ACL*, v, 113-4, 147-8.

Even though there is virtually no record in the convention's register of the meeting of the burghs before and during the 1672 parliament, their lack of protest in parliament itself is telling.¹¹⁰

That is not to say that the burghs submissively accepted their fate. As chapter two describes, the opposition to the act may have been a factor in the opposition in the convention and Edinburgh to Sir Andrew Ramsay, provost of Edinburgh and Lauderdale's favourite. As has been seen, Edinburgh's clerk (James Rocheid, also clerk of the convention) was removed from his position by the king due to his perceived role in attempts to oust Ramsay in the 1673 burgh elections. Although no direct attacks on the 1672 act were made, the opposition to Ramsay and growing antipathy towards Lauderdale, fuelled by that act, spilled over into the convention at parliament in 1673, and into parliament itself. Unfortunately no record of this convention survive, but other observers kept some record of proceedings.

A few days before parliament sat the burghs readmitted Rocheid as their clerk, which Ramsay

contended against for ane howre together but was not able to carie on vote amongst ws wherewpon he removed from ws and thoght we should have broke wp all meeting it being his dew in Edenburgh always to preceed.¹¹¹

However, rather than adjourn the meeting, the convention continued to sit in direct defiance to Lauderdale, who believed that the restoration of Rocheid was 'doon in great contempt' to him. Though Lee has suggested that the burghs were not quite so unanimous in their opposition, he only identifies four commissioners who may have

¹¹⁰ Paterson, *King Lauderdale*, 199-200; Keith, 'Trading Privileges', 680; *RPS*, 1661/1/207; Mackenzie, *Memoirs*, 226; *RCRBS*, iii, 632-3.

¹¹¹ NLS, Yester Papers, MS7006, f.64.

sided with Lauderdale. The burghs' determination to continue in opposition to Lauderdale is clear, but they were not content simply to rile Ramsay and get revenge on Lauderdale this way.¹¹² Petty revenge was not the key issue for the burghs. Though the repeal of the 1672 act may have been beyond them, they had serious legislative aims which clashed directly with Lauderdale, and the attack on Ramsay's position was a way of putting pressure on him to concede. The 1673 session of parliament saw a great deal of opposition to Lauderdale, led by Hamilton. Though the involvement of the convention in Hamilton's party is difficult to gauge, given the lack of minutes, MacIntosh understandably surmises that their opposition in the days before parliament can probably be taken to mean that they were active in it. Sir George Mackenzie, who claimed to have been the one who encouraged the convention to retain Rocheid as clerk, stated that Lauderdale's attitude after Ramsay's departure from the convention caused the burghs to 'gradually enter into the confederacy, and this did much heighten the courage and add to the numbers of Lauderdale's enemies'.¹¹³

One of the initial desires of the opposition was the removal of monopolies on salt, brandy and tobacco which had been granted to Lauderdale's allies since the 1663 act establishing the king's prerogative in foreign trade.¹¹⁴ This would have been a key issue for the burghs, perhaps more so than for the other estates, which would have considered these monopolies prejudicial to their privileges in trade, and the opposition was successful as they were soon repealed.¹¹⁵ Though the convention's direct role in this is unclear, the fact that it ordered a delegation to go to Lauderdale thanking him for his action against the monopolies even before they were repealed and assuring him of its loyalty to the crown suggests that it had been active in opposing the monopolies.

¹¹² Mackenzie, *Memoirs*, 252-3; NLS, Yester Papers, ff.64, 66; Lee, 'Government and Politics', 223.

¹¹³ MacIntosh, *Parliament*, 128-9.

¹¹⁴ NLS, Yester Papers, MS7006, f.66; MacIntosh, *Parliament*, 124, 129.

¹¹⁵ RPS, 1673/11/7, 1673/11/8, 1673/11/11.

However, it was content to support the crown again once its aims were met, so if Hamilton's action against the monopolies was aimed even partially at gaining the burghs' support for his party's full legislative aims, he was ultimately unsuccessful.¹¹⁶

The convention had achieved more than just the removal of the monopolies. This displayed the burghs' importance to Hamilton's party, and the influence they wielded in the threat of opposition to Lauderdale became clear even as the acts repealing the monopolies were passed. On 25 November, the same day on which the monopoly on salt was removed, Eglinton and Hamilton presented the articles of indictment against Ramsay to parliament, though the matter was then referred to the court of session.¹¹⁷ As suggested in chapter two, the burghs may have recognised a need for noble influence in their campaign to have Ramsay removed, but it is also possible that these nobles' involvement was motivated by the desire to retain the burghs' support for the opposition party. On 29 November, the pressure to restore Rocheid to office within Edinburgh finally told as the king wrote to the burgh council in favour of his restoration as clerk. On 1 December, the day on which the brandy monopoly was removed (that on tobacco following the next day), Ramsay was forced by Lauderdale to resign, in 'a move directly aimed at appeasing the burghs'. Though Fountainhall claimed that the duchess of Lauderdale had been bribed by the burghs, it is likely that Lauderdale was well aware of their importance to the opposition, and was willing to sacrifice his man, even though this lost him the influence over the leading figure in the convention. Lee states as much, saying that after writing to Lauderdale in gratitude for the passing of the monopolies, and asking him to represent their gratitude to the king, the king ordered Lauderdale to ensure that everything was done to keep the burghs

¹¹⁶ NLS, Yester Papers, MS7034, f.48; MacIntosh, *Parliament*, 130-1.

¹¹⁷ *RPS*, A1673/11/1; NLS, Yester Papers, MS7034, ff.33a, 36-9, 41-7.

loyal. The crown was made ‘aware of the importance of the burgh estate in parliament, even if historians have not always been’.¹¹⁸

1678 saw further success for the convention, as it protested against the retention of an interest-relief clause for noblemen and gentlemen in the grant of taxation under discussion at the convention of estates, and the clause was left out.¹¹⁹ In the 1681 session of parliament it was again active, protecting its interests against Hamilton when he and several other nobles and gentry sought a monopoly on foreign and inland salt. A committee was appointed to consult with lawyers and present reasons against it before the lords of the articles, and it seems to have been successful as no act was forthcoming.¹²⁰ When the issue of the king’s supply was raised, Hamilton proposed the retention of a tax on annualrents and the addition of a chimney tax, both of which would be hardest on the burghs. The former proposal was removed from the draft act after the burgh commissioners appealed to the articles, and the final act showed neither of these proposals.¹²¹ Though the convention minutes do not discuss the matter, the very fact that the burgh commissioners were working together to protect the estate indicates the ability for and effectiveness of co-operation. A committee was also appointed by the convention to consider an act relating to the staple port, on which little detail is recorded, which was discussed by a committee appointed by the articles. The convention decided that a draft act was not fit to be presented to the articles, and nothing was done in parliament. The convention had to satisfy itself with including some items relating to the staple in a letter written to the king. Although only one vote decided that the act should not be presented and Perth, Aberdeen and Dundee all

¹¹⁸ Lee, ‘Government and Politics’, 224-5, 226; MacIntosh, *Parliament*, 133; Wood, *Records of Edinburgh*, 164-5; Crawford, *Journals of Fountainhall*, 306.

¹¹⁹ *RCRBS*, iv, 11; *RPS*, 1678/6/22; Lee, ‘Government and Politics’, 272.

¹²⁰ *RCRBS*, iv, 26-7; *RPS*, C1681/7/26.

¹²¹ *RPS*, 1681/7/23, C1681/7/13; MacIntosh, *Parliament*, 193-4.

protested, the convention was clearly seeking to fulfil its role in coordinating the action of the burghs.¹²²

The biggest issue for the burghs in the 1681 parliament was, however, the repeal, or at least alteration, of the 1672 act which removed many of their privileges in trade. It is likely that it was the prospect of this issue being discussed which caused Glasgow to send to parliament a bailie, the dean of guild and five others with their commissioner, the provost, plus anyone else he chose. This is an unusually high number of attendants and demonstrates that Glasgow at least viewed this as a crucial session of parliament.¹²³ It was not wrong. Having met with the convention before parliament had sat, provost Glass, Perth's commissioner, wrote to his council that James 'recomended unanimitie amongst us in the kings concerne and then we neided not doubt bot he would protect us in our priviledges and grant more (if we neided or desired) nor what we injoyed formerlie', while his council instructed him to concur with the rest of the burghs in the matter.¹²⁴ Three days before parliament had even sat, the convention had resolved to make an address to the king's commissioner, James duke of York, to offer its 'cheerfull and heartie concurrence to what should be propposed' and to 'represent the heavie prejudice the royall burrows lyes under by haveing ther priviledge of trade communicate to the burghs of regality and barronie and by erecting the fishing companie'.¹²⁵ Ten days later, on 4 August, the burgh commissioners on the articles and seven other commissioners were appointed to consider the two issues in consultation with lawyers and to decide whether it was fit to take them to the articles jointly or separately.¹²⁶ The convention clearly had no doubt that either of these issues would be

¹²² *RCRBS*, iv, 27-8; *RPS*, C1681/7/36.

¹²³ *GCA*, Council Minute Book, C1/1/16, 283.

¹²⁴ *PKA*, B59/27/3, B59/34/2.

¹²⁵ *RCRBS*, iv, 25.

¹²⁶ *Ibid.*, 26.

presented by the burghs, though the issue of the fishing company (certainly the lesser issue from the burghs' point of view) disappears from this point.

On 15 August a petition of the burghs was given to the clerk to lie open for consultation. It drew attention to the fact that the burghs of regality and barony were exempt from the 'great burdeings' which the royal burghs had to bear

wherby they are able to undersell and ruine the Royall Burrowes of the Kingdome who ... cannot subsist or be preserved unless they wer again restored to ther ancient right and priviledges and all unfree men discharged and excluded from any interest in trade.¹²⁷

On 2 September the petition was remitted by the articles to a subcommittee appointed to consider the trade of the kingdom which contained four burgh commissioners as opposed to only three nobles, two bishops, two officers of state and two barons.¹²⁸

Although they were still in the minority, this is an unusually high proportion of burgh commissioners. The burghs were then called to explain exactly which parts of the 1672 act prejudiced them, and to explain that prejudice.¹²⁹

Four draft acts on the issue remain in the National Archives of Scotland, mostly fitting with the minutes of the lords of the articles, which show the decisions that were made, though one called for the complete rescinding of the act insofar as it communicated trade to burghs of barony and regality.¹³⁰ According to the minutes of the articles, the burghs seem to have been willing to concede

that all persones shall have libertie to export out of the country their owne product, and lykwayes they conceded that all the lieges should have libertie to

¹²⁷ NAS, PA7/11/87.

¹²⁸ *RPS*, C1681/7/3.

¹²⁹ NAS, PA7/11/87.

¹³⁰ NAS, PA7/11/88-91.

export cornes, cattell, coull, salt, lyme and stone, albeit the same bee not their
owne product, and lykwayes linnen cloath

while retaining for themselves the privilege of exporting ‘hering and salmond ...

plaidding and fingrames’.¹³¹ In terms of imports, it was agreed in the articles that

imports made by burghs of regality and barony should be sold only within the burghs
to their inhabitants, and not to others.¹³² However, in its next meeting, the convention

was informed by its representatives on the articles that the concessions were

unsatisfactory as unfree burghs would still be able to import and sell their imports at

fairs and on market days, which was considered ‘ane further strenthning of the said act

1672, and further restricting of the burrows, and putting them altogether out of hopes to

recover their antient priviledges’.¹³³ Despite the burghs’ efforts, and James’

assurances, in the end nothing was done on this act, though judging by the report to the

convention the burghs were probably happier with no change than with the proposed

alterations. Some burghs were appointed to ask James if anything was likely to be

done in parliament, and if the act was not to be rescinded to request that nothing

should be done. When parliament was adjourned with no changes made, the burghs

wrote to the king representing the losses they had incurred through the 1672 act.¹³⁴

Fountainhall suggested that the burghs had been ‘by the Court gulled with the hopes of

getting ther priviledges restored ... and in hopes of it ... they crouched under the

burden, and yielded to every demand of the Duke of York’. He then lists nine acts

which were in some way prejudicial to the burghs and states that ‘all thir ware the

rewards the Burrows got for ther cheap service to the Court’.¹³⁵ This interpretation has

¹³¹ *RPS*, C1681/7/28.

¹³² *RPS*, C1681/7/29.

¹³³ *RCRBS*, iv, 27-8.

¹³⁴ *Ibid.*, 27-8.

¹³⁵ Fountainhall, *Historical Notices*, 323-4.

been generally accepted, but its acceptance seems to rely more on a traditional interpretation of the power of the crown than on any certainty that the burghs were ‘sold out’ by James.¹³⁶ The convention had clearly done enough, as James recommended to them, in presenting the case of a united estate, with its careful instructions to the burghs on the articles and their reports back to it. The articles were willing to make concessions, as were the burghs, at least in the area of exports. But there was apparently no question of the burghs of barony and regality being excluded from importing, and it seems likely that this had more to do with the landed interest in the articles and in parliament being unwilling to sacrifice a source of revenue rather than a commissioner who did not care to keep his word once he had got what he wanted – though one cannot assume integrity, just as one cannot assume its absence. Once again the convention had come up against powerful landed interests which prevented it achieving its desires, but again it had shown that it was not an entirely spent force, and could still mobilise the estate of burghs behind a cause and come close to a satisfactory result. The incident also displays the power of parliament and the limitations of the crown’s power, as the interests of the landed classes were on this occasion opposed to the crown’s stated desire, yet the landed classes defied the commissioner and had their way.

Under James VII the convention once again brought up the issue of burghs of barony and regality during parliament. On 4 May 1685, which appears to have been the last day of the convention, though parliament continued until 16 June, it wrote to the king in reply to a letter in favour of a fixed salary being awarded to the conservator. This gave the convention the opportunity to represent and seek redress for the difficulties the burghs were facing in the loss of trade, partly due to the ‘great restraints and

¹³⁶ MacIntosh, *Parliament*, 202.

prohibitions' laid on Scottish trade by England and Ireland and also because of prohibitions within Scotland, but firstly because of the communication of trade to unfree burghs.¹³⁷ Over a month later, the lords of the articles assigned a committee of eight commissioners, two from each estate with the officers of state as supernumeraries, to 'meet and adjust the affaire betwixt the burghs royall and the burghs of regalitie and barronie'.¹³⁸ Once again no legislation was forthcoming, and the fact that the committee was not weighted so much in favour of the burghs as that in 1681 suggests there was less desire on the part of the crown (at least as represented in the commissioner) to act in favour of the burghs. It is also unclear exactly how much the broaching of this subject in the articles was due to effective lobbying by the convention, but it is safe to credit it with encouraging consensus and activity among the burghs in parliament, given its continued focus on the issue in its meeting.

In 1686, as seen in chapter two, the convention, led by Edinburgh, saw success in the restoration of the summer sitting of the court of session, initially raised before the articles in 1685. In other issues it had little effect in terms of producing legislation, but it is again proved to be a body that was not impotent as it coordinated the action of the estate. Two weeks before parliament sat, a draft act against the burghs of barony and regality was approved in a particular convention and sent by it to secretary of state and soon-to-be king's commissioner viscount Melfort, on receipt of a letter from him advising it that the king, 'out of his earnest desyre to promote the interest and advancement of trade ... has been graciously pleased to instruct his commissioner to concur in all things convenient that shall be proposed by yow for that effect', but that it ought to act quickly as parliament was not likely to sit for long. A committee was assigned to consider all acts of parliament made in favour of the royal burghs over the

¹³⁷ *RCRBS*, iv, 53-4.

¹³⁸ *RPS*, C1685/4/37.

previous 100 years, to be presented to the next general convention, presumably to help it decide how it should best proceed in the session of parliament that would be meeting at the same time.¹³⁹

Two weeks later the general convention sat, two days before parliament. A reply was sent by Melfort, assuring them that the king

has fullie instructed his comissioner in the affaire so as yow who on the account of trade and priviledge pay the sixth pairt of the cess of the kingdome may haue the benefit of that trade ye pay for, and his Majestie doubts not but the parliament will advise him justly in the matter and for your interest.

Melfort also indicated that the king was

not only proceeding in the matter of a free trade with England, but has instructed his commissioner in many things tending to your advantage ... as I find in his Majesty a royall and generous inclination to restore your soe much decayed trade, and to doe all that may make the kingdome in generall, and most especiallie yow his royall boroughs, live in peace, prosperitie and plenty, soe I shall not be wanting to doe all on my pairt to promote a work his Majesty is soe much concerned in and by which yow will receive soe great advantadge, not doubting but as yow have always had your intire dependance on the croune when the concerne wes les minded, you will on all occasions, especiallie in this enshewing session of parliament, show the zealous duty ye have for the best of kings and most generous of benefactors.¹⁴⁰

The message from Melfort to the convention was clear: support the king's interest in parliament and you shall have free trade with England, and the benefit of the trade for which you pay your tax. Perhaps the experience of 1681 had shown James that it was

¹³⁹ DCA, Council Book, vi, f.200r; *RCRBS*, iv, 58-9, 61-2.

¹⁴⁰ *Ibid.*, 62-3.

not wise to promise, in so many words, what he could not deliver in the face of the landowning interests, namely the restoration of the royal burghs' privileges in foreign trade. A similar offer was made to parliament, only with the clear indication that free trade with England would be given in return for the toleration of Catholicism, but parliament was unwilling to go against conscience for the sake of trade. What is sadly absent is any sense of what the burghs' own position on toleration was, with no mention in the convention minutes and no parliamentary minutes remaining for that session. Whether or not it was willing to allow toleration for the sake of free trade, the convention's actions in considering what should be offered to parliament concerning trade were to come to nothing.¹⁴¹

Although the convention was not able to secure an act in their favour, the very fact that Melfort tried to use it as a means to secure the support of the burghal estate suggests that it was still recognised that the convention was effective in bringing consensus among the burghs in parliament. The fact that this failed and that James then felt the need to interfere in burgh elections (discussed in chapter six) to gain burgh commissioners who, as Mann suggested, 'would become crown "lobby-fodder" in a future parliament', may well indicate that his assessment of the convention was correct, and that the consensus it brought was simply not the consensus James would have liked.¹⁴² Certainly when it came to the 'act for inbringing of his majesties supply', the convention's action seems to have been effective. It asked each commissioner to oppose the proposal to make up the quota for the king's annuity by imposing two merks excise on each boll of malt brewed in the burghs for private use, while those 'who are not heritors in the countrie' would not have to pay. This clause

¹⁴¹ Ibid., 63-4; *RPS*, 1686/4/6, 1686/4/11.

¹⁴² A. J. Mann, 'James VII, King of the Articles': Political Management and Parliamentary Failure', in Brown & Mann, *History of the Scottish Parliament*, 205.

did not appear in the act as it was later passed by parliament, a small victory for the convention which once again shows that it cannot be written off as an impotent and outdated body.¹⁴³

Conclusion

This last case may only indicate small-scale opposition to parliament, but it does add another example of how the convention was far from a spent force in relation to parliament in the reigns of Charles II and James VII. Parliamentary sessions were more frequent and longer, which caused problems for the convention in terms of its representation both there and in its own meetings. It is certainly the case that landowning and crown interests proved too powerful for the convention on numerous occasions, as in 1672 with the act transmitting some of the royal burghs' privileges in trade to burghs of regality and barony. There is some evidence of disillusionment among the burghs at their ability to have any influence in the face of such powerful opposing interests, which may have accounted for the attempts of some burghs to use parliament to their advantage, bypassing the convention and the interests of other burghs and the estate. Yet it would be wrong to write off the convention. It is true that it was not able to protect the burgh's privileges and that it could not always push through the legislation it desired. Yet this should not be used as criticism of the convention, as no-one was able to push through their full legislative programme. Even the crown had to concede defeat at times, demonstrating the very real influence of parliament. Particularly in the early 1660s and in 1681, the convention was very active in discussing proposed legislation, coordinating the action of the burghal representatives and generally seeking to ensure that on key issues relating to the estate the burghs' voice in parliament was a single voice, and it was one that at least on

¹⁴³ *RPS*, 1686/4/18; *RCRBS*, iv, 64.

occasion was heard, acknowledged and acted on. It is possible that without the convention, and thus without this united position, the burghs would have found their privileges eroded even further by the landowning and crown interests.

Chapter 6

The Convention and the Crown

The efficacy of the Scottish parliament in the Restoration period may have been well demonstrated, even allowing for its limitations. Yet although parliament was certainly not there merely to rubber-stamp royal policy, there is of course no doubt that power lay primarily with the king and his arms of government in Scotland, his commissioner and the privy council. To widen the scope of this chapter slightly, the treasury, exchequer and judicatories can also be considered here as crucial to the administration of the kingdom on the king's behalf.

Some of the issues for the convention in dealing with the crown are similar to those in its dealings with parliament. The burghs faced the competing interests of the landed estates and the crown itself. They also had the opportunity of appealing directly to these other bodies, thus bypassing and potentially undermining the convention. They faced crown interference in their elections, particularly after Lauderdale's reign as commissioner, which would impinge directly on the freedom of the membership of the convention. Despite these issues, its dealings with the crown again prove that the convention was far from an impotent, outdated body but was extremely active at court, privy council and the other arms of the administration in Scotland. It used a number of means to do this, including establishing Lauderdale as its agent at court, though of course it is not surprising that it was not always successful. Its action was not restricted to lobbying through various agents of the crown, and the convention could even be a forum for direct opposition to the crown.

The convention and government

Just as parliamentary legislation immediately after the Restoration seemed to indicate a desire to placate the returned monarch, the convention's actions in 1660 sought to ensure that as loyal a front as possible was presented to Charles II. William Thomson, clerk of both Edinburgh and the convention, went to him at Breda and 'humblie representit to the Kingis Majestie the constant affectiones and dewtifull respectis of the burrowis', presenting him with a gift of £1,000 sterling (£12,000) in the burghs' name. Though he had not been expressly commanded to do this and gave the convention little choice, it readily approved his actions and ordered each burgh to pay its proportion of the money.¹

This was a huge sum for burghs still recovering from the civil wars, with trade still suffering. That year, Dundee's common good income was £7,685 16s 10d, and its share of the sum given to the king was £890. With £785 4s 8d for commissioners' fees and missive dues, it represented over 20% of its income and caused a shortfall of over £750.² Some of the middling burghs like Ayr were only paying around 5% of their income for their share of this sum, though Burntisland, rated only just below Ayr in the tax roll, probably paid over 25% of its income. As usual, the smaller burghs felt it most. Anstruther Wester, with £36 to pay to Thomson, was probably paying around 50% of its income that year, while the burghs at the very bottom of the pile, such as Lauder, probably saw the sums they had to pay exceed the income from their common good.³ That the burghs were willing to bear such great expense, with no protest

¹ *RCRBS*, iii, 504.

² *DCA*, Treasurers' Account Book.

³ Calculation based on common good income for the early 1660s found in NAS E82 and the percentages of each burgh's share of the tax roll, as calculated by Smout, *Scottish Trade*, 282-4. Although the Common Good Accounts in NAS E82 do not have material from 1659-60 and only a few have 1660-1, when this money was paid, other accounts examined show that basic common good income did not change significantly between the 1650s and 1660s (see *ACA*, Treasury Accounts, i³-ii, 10/6; *DCA*,

recorded, is surely a measure of the recognition of the need to ensure that they made a good impression on Charles. If any burgh had protested it would have been in danger of being marked out as ill-disposed to the king. Though the convention had not had a chance to decide the amount of money given, letters were written from the convention to the king to congratulate him on his safe arrival in Britain and its general behaviour suggests that it may not have acted differently if given a say in the matter.⁴

This desire to prove loyal to the king to keep him favourable towards the burghs' interests was seen again in 1664. The general convention that year asked the clerk to look at all the acts of burghs passed between 1637 and 1660 in order that 'severall acts ... which are derogatorie to his Majesties royall prerogative and unprofitable to the estate of burghs' could be rescinded.⁵ In the event, no changes appear to have been made, but the aim of the convention is clear: to be seen to be doing all possible to protect the king's interests and prove its loyalty. A further public statement was made when James, duke of Albany and York, arrived in 1679. Edinburgh's provost was asked to present the convention's address congratulating him on his safe arrival and to 'use such other expressions of respect to his royall highnes as in prudence he shall think fitt'.⁶ Similarly before parliament sat in 1685, the convention addressed James expressing its joy at his succession and promising to defend his

royall right and prerogatives with such zeale as may prove that wee think
ourselves thereto oblinded as good Christians alsweell as faithfull subjects, and

Treasurers' Account Book; GCA, Council Minute Books, C1/1/12-4; PKA, Treasurer's Accounts, B59/25/4/2).

⁴ *RCRBS*, iii, 505.

⁵ *Ibid.*, 578.

⁶ *RCRBS*, iv, 15-6.

that not only all treasonable but even factious and seditious courses are no less impious then unlawfull.⁷

The burghs also stated their dependence on him as a guarantee of their loyalty, and their approval of his choice of the duke of Queensberry as commissioner. Queensberry himself was addressed and congratulated on his appointment, of which the burghs approved as he ‘hes evidenced upon all occasions so much loyaltie to the monarchie, so much kyndnes to your native cuntrie, and so much prudence and conduct in the concerns of both’.⁸ Similar action had been taken in 1682 on the appointment of a new chancellor and treasurer, when a committee was asked to make an address to them and congratulate ‘his Majesties happie choice of thair lordships to those offices of state’.⁹ In 1688, on the birth of James’ son, the convention sent the provost of Edinburgh to court to congratulate the king, again specifically stating its loyalty as the king made ‘our interest your owne’.¹⁰

These expressions were not necessarily unusual, but they do indicate a sense within the convention that positive action needed to be taken to assure the crown of its loyalty. It was doing what it could to secure crown favour for the burghs in the face of their competitors, whether landowners or English trading interests. The burghs did of course have an advantage over the former group, if not the latter; they had a forum through which their interests could be represented together. Where individual landowners could approach the king on their own, to get a united front on a particular issue would not be as easy as it was for the burghs. The convention regularly used that advantage to present issues to the king, whether at court or through the privy council.

⁷ Ibid., 50-1.

⁸ Ibid., 50-2.

⁹ Ibid., 30.

¹⁰ Ibid., 74-6.

Smout claims that the convention in the Restoration era was closely controlled by the crown, and although this is not clearly explained his equation of the convention with parliament in this issue suggests that he means that it was controlled mainly by crown interference in burgh elections, which shall be discussed below. He goes on to say that the convention 'had been accustomed from the sixteenth century to express themselves freely on economic subjects, and though without direct control, they still had powers of influence'.¹¹ This influence is evident in a number of ways, indicating a degree of flexibility in crown policy and the willingness and ability of the convention to attempt to direct that policy in a direction favourable to it.

One of the difficulties for anyone in Scotland wishing to influence crown policy was the problem of an absentee monarch. The privy council, as the agent of royal power in Scotland, was thus extremely important and the convention recognised this and sought to take advantage. As early as September 1661, Edinburgh's council summoned a particular convention to discuss complaints from various burghs against the collectors of the excise and seek remedy from the privy council for these unspecified abuses.¹² The individual burghs which had complaints must have recognised that the convention would be more effective in presenting their complaints than they would alone.

Unfortunately the convention which sat on 16 September, only five days after the summons was issued and two months after the adjournment of parliament, has no acts recorded in the register. This was presumably because of the lack of a quorum, as only seven burghs appeared out of the sixteen which were called to meet, but it meant that no protest was made to the privy council and thus no action could be taken.¹³

¹¹ Smout, *Scottish Trade*, 20.

¹² *Edin. Recs.*, 1655-1665, 255.

¹³ *RCRBS*, iii, 546.

Presumably some resolution was found, as the issue was not raised at the next particular convention in November.

A decade later the general convention appointed six of the main burghs, or any three of them, to represent certain issues of trade to the privy council or exchequer relating to fishing, salt, coal and coinage.¹⁴ On this occasion they were unsuccessful in getting the issues raised before the privy council, but they persisted. After another four years Edinburgh, Perth and Linlithgow and the burghs' agent were asked to apply to the council for acts of parliament regulating the quality of linen cloth, uniformity of measures and coal to be 'putt in dew execution and inviolablie kept hereafter'.¹⁵ This petition does not appear to have had much effect, if indeed it was actually presented to the council, perhaps being lost in the furore over the convention's letter to the king in 1674, which is discussed below. Yet it indicates the convention's recognition of the need to use the council and also something of the removal of influence from the convention in regulatory matters, as it was obviously finding itself unable to enforce these acts. A similar appeal was made in 1679 for the council to enforce regulations on weights and measures, though again it did not appear to discuss it.¹⁶ Again the limitations of the convention as a regulator were displayed, probably due to the increase of markets outside royal burghs and thus outside the power of the convention. The issue of coinage was raised again in 1676 when the council was asked for a licence to bring in foreign coin at exchange rates the convention calculated and to mint the smallest denomination coins, due to the scarcity of specie. This was more successful. A committee was appointed by the council to consider issues of trade and

¹⁴ Ibid., 626.

¹⁵ Ibid., 643.

¹⁶ *RCRBS*, iv, 13.

commerce and particularly the coinage, though no further outcome is recorded in the council registers.¹⁷

The convention's ability to influence the council was further displayed in 1681 in a long-running dispute with the masters of the revels, who were 'oppressing [the burghs'] inhabitants and the whole cuntrie by charging them with horning upon their playing at games, such as cairds, tables, bullyearts, and the lyke other recreation, which the convention conceaves is not comprehended in their gift'.¹⁸ They were called before a meeting of the convention but refused to stop exacting money for these activities which the gift of their office, granted by the king, did not allow them to charge, and the convention decided to petition the privy council to have the gift restricted. This appeal was successful and the council issued letters against them, though by 1684 the master of the revels was again extending his gift further than it warranted. The convention assigned its agent to pursue legal action against him and to make a further appeal to the council, which was also successful.¹⁹ Leisure pursuits were causing more problems for the burghs in 1686. Five years earlier the privy council had granted a prohibition on the importation of playing cards, as someone claimed that they could make cards of a better quality than those imported. But in 1686 the burghs complained that he had charged many innocent inhabitants with importing and selling foreign cards and the agent was ordered, with the assistance of Edinburgh and other nearby burghs, to submit a bill of suspension to the council against the charges.²⁰

¹⁷ *RPC*, v, 52; *RCRBS*, iii, 666-7.

¹⁸ *RCRBS*, iv, 32-3.

¹⁹ *Ibid.*, 29, 32-3, 44; *RPC*, vii, 453; *RPC*, ix, 60.

²⁰ *RPC*, vii, 288-9; *RCRBS*, iv, 68.

The convention also sought to interact with other parts of the royal administration, showing an understanding of which branch of the regime could serve its purposes best. The treasury was one part of the administration that received attention from the convention on a number of occasions. In December 1667 a particular convention submitted a lengthy list of grievances relating to French impositions on Scottish trade, which are discussed below, and the imposition of £12 on every boll of salt imported for any purpose except the fishing industry.²¹ Further petitions were made in 1669 concerning the prohibitive effect of the amount of bullion to be paid on the export of staple goods, and in 1679 concerning the charges and expenses incurred by burghs which were furnishing baggage horses for the military and wanted the expenses paid or given as abatements from their assessment.²² This latter occasion is another example of individual burghs recognising the ability of the convention to appeal effectively on their behalf, especially where a number of burghs were facing the same problems. Another issue concerning the whole estate, which was also about national trade policy, was that of the royal burghs' foreign trade. Even after trade was opened up to burghs of barony and regality in 1672, the convention tried to keep a degree of control and exclusivity, appealing in 1675 to the treasury for only the ports of royal burghs to be used for exports, and to the court of session against perceived invasions upon the remaining rights of the royal burghs. The former appeal was unsuccessful, and though it is not clear what the result of the latter was, if illegal encroachments were being made it is reasonable to assume that the rights of the burghs would have been upheld, as happened in the cases of Dumfries and Greenock in the mid-1670s, both detailed in chapter one.²³

²¹ *RCRBS*, iii, 589-94.

²² *Ibid.*, 608 – cf. *RPS*, 1661/1/338; *RCRBS*, iv, 18.

²³ *RCRBS*, iii, 657.

Appeals were also made to the exchequer, again concerning the imposition on salt just four months after it had been represented to the treasury, while in 1675 the agent and Edinburgh were ordered to prevent the passing of any gifts or monopolies presented to the exchequer which were prejudicial to the burghs.²⁴ The admiralty was also the subject of an appeal from the convention, with the admiral depute informed of the prejudice sustained by merchants by the granting of passes to strangers and their ships as if they were Scottish. He was also asked to represent to the king the problem of Scottish passes not serving for the Mediterranean, which only English ones did – a clear case of the problem of having a monarch whose foreign policy was directed by a foreign country.²⁵ Another issue of foreign policy was raised in 1683, after a complaint from a Scottish merchant that he was being impeded from importing goods into Hamburg, from which English subjects were barred. The convention saw this as a matter of importance for all the burghs, and decided to inform the chancellor and also write to the secretary of state in London to get a letter from the king to show that they were not actually subjects of England.²⁶

The convention often appointed certain people, usually advocates, at times on fixed salaries and at other times on a case-by-case basis. This would enable it to have expert representation and advice in cases concerning both the estate or individual burghs which sought assistance. For example, in 1669 the convention recognised that

the priviledges, liberties and freedoms of the estate of royall burrows is cleirly asserted by known and determined lawes alredie enacted, sua that there remains nothing but the putting of the samen lawes to executioun, which by neglect and

²⁴ *Ibid.*, 599.

²⁵ *Ibid.*, 661.

²⁶ *RCRBS*, iv, 41.

carelessnes of some particular burghs hes suffered seuerall invasions to be made vpon their freedome by vsurped and wnjust interestes.

It decided therefore to employ an advocate and a lawyer at £20 and £12 sterling (£240 and £144) *per annum* respectively for ‘consulting, pleading and procureing for them in all causes quhairin they are concerned’.²⁷ The defence of the royal burghs’ rights against burghs of barony and regality proved fruitless and actually seems to have contributed to the passing of the 1672 act against them, and in 1675 it was decided that it was unnecessary to pay salaries to advocates. It was decided that they would be paid only when employed on particular cases.²⁸ Whether this was a case of disillusionment with the legal profession after the 1672 act, fear of employing advocates after they were seen to be acting seditiously towards the king and influencing the burghs’ opposition to him in 1674, or a fit of frugality, it did not last long. Within a decade a similar point to that made in 1669 was raised about the execution of laws in defence of the burghs’ privileges. Mackenzie of Rosehaugh, lord advocate, was appointed ‘assessor’ to the convention in order that he might ‘espous and own their interest in consulting and pleading for them in all causes wherein they are concerned’. He received a salary of 500 merks (£333 6s 8d), with his servant to receive £5 sterling (£60) annually.²⁹ The fact that it had such an experienced advocate to advise and represent it legally would have been of great benefit to the convention; that employing him meant that it had a royal appointee of influence on its payroll may have served it very well indeed.

Other people were awarded salaries and pensions for service to the convention, to the extent that in 1685 it was noted that these pensions made up ‘a great pairte of the

²⁷ *RCRBS*, iii, 617-8.

²⁸ *Ibid.*, 656.

²⁹ *RCRBS*, iv, 47-8.

missive dues' which were causing many burghs great hardship. As seen in chapter two it was decided that all except the clerk, agent and servants who attended conventions should have their pensions rescinded, with anyone employed on the burghs' behalf paid only according to the work they did. This was a controversial act, and the commissioners of Edinburgh protested. The following year, the secretary of state had his pension reinstated, as did Mackenzie two years later, due to his qualifications and 'how steidable and necessary a person he is to maintain the trew interest of the royall borrows and to advyse them in all affaires of law and other difficult caises'.³⁰ As a means of protecting the interests of the royal burghs within Scotland and particularly before the courts, these advocates and other agents were clearly seen as valuable.

The effectiveness of the convention in many of its appeals is not clear but they do indicate its ability to recognise and use the body which could most directly aid its cause. It thus showed a clear ability to deal with the problem of an absentee monarch by using his representatives in Scotland, which would presumably have saved it the expense of direct appeal to the king in London. However, it certainly did not neglect the possibility of direct appeals, as seen above with the secretary of state receiving a pension, and even recognised that going beyond his representatives in Scotland and directly to court might actually be a more effective means of achieving its ends. There is some irony in this, as this was one of the problems the convention faced itself, as burghs bypassed it to take issues directly to parliament or the privy council.

One example of the convention appealing directly to court came in 1688, concerning the requirement for royal burghs to provide prison space for their shires. Many burghs were complaining that

³⁰ *RCRBS*, iv, 56, 67, 74.

they are frequently troubled by the shirreffs of shyers and justices of peace who sends in prisoners to their respective tolbuiths vpon suspition of slaughter, thift, and other crymes without laying down a way for mentaining the saids prisoners, whereby the burden of ther mentinance lyes heavie vpon the saids burghs³¹

The convention decided to appeal to the privy council, but it does not appear to have been brought up there. The appeal obviously reached the king, as later the same year both the convention and the council received letters from him stating that the royal burghs were allowed to refuse to receive or keep prisoners if assurances for the prisoners' maintenance were not given. In the same meeting where it decided to appeal to the council a committee was appointed to 'draw wp such privat instructions as is necessar to be moved at court for the weel of the burghs' for Edinburgh's provost (who brought the letters back from the king) to present at court. It seems likely that the convention decided to appeal directly to the king rather than going through the council. If this was its aim it was certainly effective as the privy council was given no opportunity to oppose the burghs' wishes.³²

This was not the only occasion on which the convention sent its own commissioner to court. William Thomson, who had gone to the king in 1660, remained at court for some time that year, receiving detailed instructions as to the business he should raise before the king then returning in November to the gratitude of the convention.³³

Thomson's fairly long-term appointment was unusual and more often individuals would be sent on a particular occasion with particular instructions for what business should be represented. One example of that is Magnus Prince, the provost of Edinburgh, as detailed above. It is possible that such commissioners, as merchants

³¹ *RCRBS*, iv, 80.

³² *Ibid.*, 80, 81-3, 84-5.

³³ *RCRBS*, iii, 511-3, 523-4, 527.

themselves, would be going to London on personal business and the convention was taking advantage of the fact that men well-versed in the affairs of the burghs happened to be at court. However, on that occasion, and in 1671 when William Anderson (provost of Glasgow) was sent to court, they were not simply asked to represent burghal interests but were given very clear and topical instructions for the business they were to pursue.³⁴ The latter appointment was during Lauderdale's tenure as the burghs' agent at court, which will be considered below, but the perceived necessity of having two agents, perhaps due to the brewing issue of the rights of non-royal burghs, indicates just how important the convention considered its representation there.

While these occasional appointments undoubtedly boosted the royal burghs' influence at court, the convention did not rely on them alone to present its interests to the king. Even while Thomson was in London in 1660, Thomas Clarges was working as the burghs' agent there, having been appointed by the convention to represent it to Monck and parliament earlier that year, before being replaced by Lauderdale in November.³⁵ After Lauderdale's demission of the office of secretary of state in 1680 the position surprisingly lay vacant until 1682 when it was decided that the new secretary of state, the earl of Murray, 'is in ane fitt and suteable capacitie to doe good offices to the royall burrows'.³⁶ The appeal concerning Scottish merchant rights in Hamburg went to Murray, but there were not many appeals specifically made to court until viscount Melfort was made joint secretary of state by James VII. The first correspondence the convention had with Melfort was at the time of parliament in 1686, when he wrote noting the king's desire to act in favour of the royal burghs and their trade, mentioned in chapter five. The convention minutes do not record his official appointment as its

³⁴ Ibid., 551-2, 554-8, 630-2; *RCRBS*, iv, 80.

³⁵ *RCRBS*, iii, 499, 511.

³⁶ *RCRBS*, iv, 35.

agent at court, but the following year the agent was instructed to pay pensions to both him and Murray.³⁷ Melfort seems to have remained the burghs' main point of contact at court and means of lobbying the king. The provost of Edinburgh wrote to him to find out how far a treaty signed with Denmark comprehended the trade of Scotland as well as England, raising once again the problem of a foreign policy determined by the wishes of a foreign country.³⁸

In the same meeting of the convention it was noted that Sir Adam Blair, Dunbar's commissioner, was going to court, and he was asked to represent to Melfort the prejudice sustained by the royal burghs

by the Dutch ther fishing within sight of land, contrair to the treaty betuixt his Majestie and States of Holland, and pressors they lye under by burghs of regalities and baronies, and the great imposts laid on the Scots goods by the King of Denmark and Swedden, and that he wold doe his outmost endeavor to obtaine some redress.³⁹

The convention was thus again using the attendance of one of its own representatives' at London to ensure that clear instructions on a wide range of topics could be conveyed to its agent, perhaps saving money on the cost of a letter, but more likely recognising that personal representation would have greater effect and carry greater urgency. On the occasion mentioned above of Prince's attendance at court in 1688, he returned with the letters regarding prisoners, an assurance from the king of his readiness to 'promote the interest of trade and to procure the wealth and welfare of all our royall borroughs', and with the news that the king's letter to the privy council discharged the admiralty from forcing boats to take passes and safe conducts which were supposed to be

³⁷ Ibid., 58-61, 62-3, 69; ACA, Letter Books – 8/1 (Incoming), vii, f.45.

³⁸ *RCRBS*, iv, 71.

³⁹ Ibid., 71-2.

voluntary. He also reported that he had treated directly with Melfort on the decay of trade and the burdens borne by the burghs and especially 'the unsuferable prejudices of the burghs of regalities and barronies', and a 'designed imposition' by Newcastle on Scots coal, which had successfully been hindered. It seems that Melfort's role in all of this was central, and he was sent a letter of thanks for his effective support.⁴⁰

These examples display the effectiveness of the secretary of state as the burghs' agent at court, especially when direct and personal representation was made to him by a commissioner sent by the convention. Interestingly, they also display the willingness of James VII to rule on behalf of the burghs. This had been displayed in parliament, with the presumed aim of securing their support for toleration. Yet even after this had failed, with the burghs remaining in opposition, James is here seen promoting their interests. It could be that his meddling in burgh elections, which will be considered below, had given him an assurance of their loyalty of which he could not be assured from the nobility and the shires, or that he was pursuing a 'carrot and stick' policy, granting concessions while fixing elections, to improve the burghs' support for him. It may also have been driven by a desire to improve the trade of his northern kingdom and a recognition of the expertise of the royal burghs and the need to protect them in order to achieve this.

The most important of the convention's agents at court, because of his position, his longevity and his dubious favour towards the interests of the burghs, was the secretary of state for most of Charles II's reign, Lauderdale. He was appointed as agent by a particular convention in November 1660, having already been asked in September to help Thomson present a letter to the king asking for the burghs' privileges to be

⁴⁰ Ibid., 81-5.

maintained. Taking the large salary of 2,000 merks (£1,333 6s 8d) *per annum*, he replaced Clarges, with apparently no reason given to the latter to explain his replacement.⁴¹ This may indicate a degree of ruthlessness on the part of the convention, but it certainly shows political expediency. Clarges may have served it well for the short time he was in position, but despite his favour with the king he was neither Scottish (though he had served actively for Scottish constituencies in the Cromwellian parliaments) nor, most significantly, secretary of state for Scotland, and was thus not in a position of such great influence as Lauderdale.⁴²

After his appointment the convention contacted Lauderdale, and on occasion, after specific instructions were sent, committees were set up to correspond with him in order to follow his progress in fulfilling its wishes. He was also asked to inform it of any relevant matters which came up at court so that a convention could be called to discuss them.⁴³ What is notable is that very rarely was a matter of an individual burgh's problems, or any smaller issues, sent to him for representation to the king. Rather, more general issues of trade dominated the appeals. The two predominant matters, trade with England and French impositions on Scottish trade, will be considered separately as the convention used many means to try to influence policy on these. However, what this pattern of appeals to Lauderdale suggests is that the convention recognised that it was not necessary to present smaller issues to the king, as his council had the authority and ability to deal with them, while matters of foreign policy and English trade were best presented directly to the king who had the authority in the nation whose trade interests dominated these matters. One of the first occasions when Lauderdale was asked to represent a more general matter of the trade of the burghs was

⁴¹ *RCRBS*, iii, 523-4, 526-7.

⁴² A. A. Hanham, 'Clarges, Sir Thomas (1617?-1695)', *ODNB* [<http://www.oxforddnb.com/view/article/5453>, accessed 30 Oct 2008].

⁴³ *RCRBS*, iii, 570, 574-5, 630-2.

in 1671. The convention wrote to him (with the crown-appointed conservator taking the letter and seconding it ‘with all his power and moyan’) to ask the king to ‘recommend to the lords of session the mantinance of the just right of burrowes against the vsurpation made therwpon by burghs of regalities and barronie’.⁴⁴ This was part of the action against burghs of barony and regality, sparked by the defence of Stirling’s privileges against Falkirk and Kilsyth, which led in turn to the act of 1672 in favour of the unfree burghs, as discussed in chapter five: on this occasion, the convention’s appeal to Lauderdale seems to have backfired spectacularly. It is not clear whether or not Lauderdale actually presented the appeal to the king, but as he stood to gain from the increasing trade of the burghs of regality and barony due to his interests in Musselburgh, it seems unlikely that he would.

The convention may have been failed by Lauderdale and reminded again of the power of the landed interests which opposed the burghs’ trading monopoly, but it did not reject him as agent. It seems that he was too valuable an asset to be released, even though his large salary had not convinced him to intervene strongly on the convention’s behalf. It was quick to hint at the result of his support for the 1672 act, as the following year it wrote to him to represent ‘the great decay of the royall burrowes by want of trade and other heavie burdeens lying vpon them’.⁴⁵ However, loyalty again became an issue in 1675 – this time not the loyalty of Lauderdale to the convention, but of the convention to Lauderdale and more fundamentally to the king, after the convention’s letter to him the previous year. In January the convention wrote to both parties apologising for the letter, telling Lauderdale that

it is not the whole bodie of the burrows that have been guiltie of that irreverent and unduetifull returne which wes sent to his Majesties most gracious letter,

⁴⁴ Ibid., 626.

⁴⁵ Ibid., 635.

but a few turbulent persones, and wee heartlie thank your grace for keeping his Majestie in a good opinion of his royall burrows. Wee intend in the next to truble your grace by ane memoriall concerning some incumbrances lying on our trade, but wee thought it our duetie to take off the staine throwen on us befor wee seek new favours from his Majestie.⁴⁶

The convention recognised that the matter of trade needed to be pursued, but also that it was likely that nothing favourable to it would be done without the king's anger being appeased. As well as addressing the king directly to apologise, Lauderdale was in a perfect position to intercede before the king on its behalf. It is perhaps surprising that the issue of trade was raised so soon after the king's anger was incurred, but again Lauderdale was in a useful position for the convention. It could warn him that the matter would soon be presented to the king and thus allow Lauderdale the time to convey its expressions of loyalty to him. At the general convention in July, a letter was written to the king informing him that the letter of 1674 had been erased, the regulations on qualifications renewed according to his wishes and, having thus assured him of their loyalty and obedience, that papers had been sent to Lauderdale 'that these things which are burdeensome to our trade and prejudiciall to our just priviledges may be remoued by such effectuall ways as seems most expedient to your royall wisdom'. Again the utility of Lauderdale as agent is evident as the convention wrote to him concerning the matter of trade and asking him to 'interceed with his Majestie that all effects of his Majesties displeasure may now cease, sieing the royall borrows are fullie returned to their duetie'. £30 sterling (£360) was also awarded to two of his servitors, presumably to increase his amenability towards the burghs' cause.⁴⁷ While no firm requests were made until at least November, and even those were decided by a small

⁴⁶ Ibid., 645.

⁴⁷ Ibid., 651-2.

committee appointed to write to Lauderdale, his intervention was seen by the convention as important in bringing it back into the king's favour. The following year he was again asked to assure the king of its 'constant adherence to and dependence upon him in all his royall concerns' before the issue of the French impositions was brought up.⁴⁸ Despite the fact that he represented the landed interests which caused the royal burghs so much difficulty in protecting their interests, Lauderdale was an important part of the convention's system of lobbying the crown. He may have worked in opposition to it at times, but it is likely that much of its success in achieving its aims before the crown, and possibly parliament, was at least in part down to his representation.

On a number of occasions the convention tried to cover all angles in its lobbying, by appealing to the privy council and other influential individuals to put as much pressure as possible on the crown to frame policy in a favourable way for it. Two predominant issues were trade with England and France, more prominent even than the problems of the communication of trade to burghs of barony and regality. The unfree burghs might be expected to have most exercised the convention, but there are a number of possible explanations why this did not dominate its lobbying. The very people it would lobby for change in this area after 1672, including Lauderdale, were those who theoretically stood to benefit from their burghs receiving trade rights. Appealing to them may have seemed futile until James came offering at least partial restoration of the royal burghs' privileges from 1681. Matters of foreign trade, on the other hand, would not range the burghs against these landed interests and could potentially garner the support of any whose burghs of regality or barony were attempting to engage in this trade, or who had personal trade abroad. As Smout states of the privy council's attitude to trade and

⁴⁸ Ibid., 658, 664-5.

industry, ‘their opinions and their interests broadly coincided with those of the governed’, meaning that the royal burghs would have a sympathetic ear and ready support on certain issues.⁴⁹ The king had prerogative in these matters after 1663, and as Scotland’s foreign trade was so much tied in with that of England in the eyes of foreign states (such as Hamburg and Denmark, as shown above, or France) because they shared a monarch, particular effort had to be made to counter the English trading interests and promote Scottish ones before the king.

English trade was a matter to which the convention paid particular attention. Very soon after the English Navigation Act was passed in 1660, the convention swung into action in an attempt to have it act repealed so that ‘the same priviledg in treading with thame and they with ws may be allowed which both kingdomes formerlie injoyed with another, wtherwys that this kingdome wold be necessitate at this ensueing parliament to tak the lyke cours against thame’. The clerk was ordained to write to Lauderdale and committees were appointed to approach the chancellor, speak to the treasurer and other officers of state to have them write to Lauderdale, and to meet merchants to draw up a list of grievances and possible remedies for presentation to parliament.⁵⁰ In November 1661 Lauderdale reported to the convention that the initial lobbying had been momentarily successful as the king had repealed the English act insofar as it related to Scotland, before the farmers of the customs in England had put pressure on him to repeal this dispensation. The convention decided to write to the influential earls of Crawford, Lauderdale and Middleton to seek their concurrence with it and presented a petition to the privy council asking it to intercede with the king to keep the dispensation. The privy council had already been acting on the convention’s behalf, with its clerk, Sir Peter Wedderburn, granted 900 merks (£600) for his ‘great paines

⁴⁹ Smout, *Scottish Trade*, 20.

⁵⁰ *RCRBS*, iii, 528-9.

and trubl' in representing the matters of trade and navigation, as well as coal and salt, in London earlier that year.⁵¹

On hearing that the act in favour of Scotland had been repealed, the privy council recommended to the provost of Edinburgh that he

call for and convene with all diligence such commissioners of burrows as are necessar and able to give councill and advyce in that affair and to ansuer the reasons and information given in be the saids fermors, and that they appoint and commission some able and qualified person weill instructed to repair to London for negotiating of that busines which is of so great concernment.⁵²

This advice was heeded and in February 1662 a committee of seventeen burghs, with a realistic quorum of five, was appointed to meet 'wpon all occasiounes quhen they ar called' to correspond with Murray at court on this and all other affairs.⁵³ The council clearly recognised the expertise of the convention in the matter and acknowledged that it had the main interest in it. The convention was not alone in its desire for the repeal of the English act, but it was driving the action of the Scottish lobbyists. After the privy council sent a letter to Lauderdale in favour of a further petition from the burghs, thus adding its influence to it, some progress was made with the Scottish act against English trade passed in parliament in 1663, discussed in chapter five.⁵⁴

English concessions were not forthcoming, and the following year Lauderdale was twice asked to continue his assistance before the king on the matter, with a petition made to the privy council to put the acts against English imports to execution.⁵⁵ In

⁵¹ Ibid., 547-8; *RPC*, i, 89, 97-8.

⁵² Ibid., 114.

⁵³ *RCRBS*, iii, 551-2.

⁵⁴ *RPC*, i, 173.

⁵⁵ *RCRBS*, iii, 570, 572, 574-5.

1665 the council wrote two letters to the king, on behalf of the Scottish merchants and seamen, representing to him the hardships they were suffering and asking for the repeal of the English acts, and the convention's wide lobbying network was again called into action. Edinburgh's commissioners reported that they had written letters to various people concerning the English trade, and the convention asked them to deal with Rothes, the king's commissioner, plus any members of the privy council 'and wthers quhom it may concerne for thair assistance for recoverie of the saids priviledgis'.⁵⁶

These attempts to alter the trading policy of England were ultimately unsuccessful. Though they had gained the king's support in 1661, the power of the English trading influence was too great for Charles to alienate, and eventually the appeals petered out. Yet the ability of the convention to mobilise others to assist in its lobbying, including five years of very active support from the privy council despite the king's failure to act after 1661, is evidence of its influence and the respect in which its expertise was held. A similar example is in the convention's attempts to have French impositions on Scottish trade removed, to which end it gained royal assistance. Again it was ultimately unsuccessful, perhaps unsurprisingly given that it was attempting to alter the trade policies of a foreign nation.

France in 1659 had imposed an excise of 50 sous on each ton of goods exported from France by foreigners. Perhaps due to Scotland's ancient trading privileges with France Scots were exempt. However in 1663, after the Scottish navigation act discriminated against all foreign ships, this exemption was unsurprisingly removed. The convention again used Wedderburn, clerk of the council, sought the advice of Lauderdale and

⁵⁶ *RPC*, ii, 42, 93-4; *RCRBS*, iii, 577.

wrote directly to the king. Within a few weeks the privy council wrote to the king, probably in response to the convention, asking him to intercede with the French king to have the impositions removed.⁵⁷ Charles was apparently quick to respond and on hearing that he intended to send someone to France to negotiate it, the convention decided to pay him a gratuity of £300 sterling (£3,600), with more to be paid if he was successful. Somewhat paradoxically, a further imposition was placed on goods transported by Scots from France to raise this money.⁵⁸ The matter dominated the convention's appeals to the treasury in 1667, but by the following year no negotiator had been chosen. Perhaps to encourage swifter action, the convention decided to offer 20,000 merks (£13,333 6s 8d) to anyone who successfully gained the removal of the imposition. The matter was raised again in the general convention in 1674, though the particular convention to which it was remitted never sat due to the controversy over the letter to the king. The following year Lauderdale was again asked to intercede with the king to find a course to have the imposition removed, with the reward for success now raised to £2,000 sterling (£24,000). Letters continued to go to Lauderdale asking him to intercede with the king and in 1676 the new French ambassador.⁵⁹ To this point the convention's extensive efforts were bearing little fruit, despite the support of Lauderdale, the privy council and possibly also the treasury.

A renewed sense of urgency is evident in the general convention of 1676, and having heard complaints against the imposition at almost every convention for the previous twenty years it was decided that due to present circumstances and the benefit to the burghs and trade if it could be removed, Edinburgh, Linlithgow, Glasgow and Queensferry would be entrusted with managing the affair. They were 'to act and

⁵⁷ *RPC*, i, 433-4; *RCRBS*, iii, 567-8, 570; *RPS*, 1663/6/40; Smout, *Scottish Trade*, 167.

⁵⁸ *RCRBS*, iii, 573-4.

⁵⁹ *Ibid.*, 589-94, 600, 638, 646-7, 658, 664-5.

negotiat the samen at the courts of England and France in what way and maner they think expedient', and empowered to award up to £4,500 sterling (£54,000) on its removal. This was an astonishing sum, to be imposed on the burghs according to the tax roll, and the agent refused to collect it and was discharged, as noted in chapter three.⁶⁰ Unfortunately the actions of the committee are not recorded until a report to the general convention in 1682 indicated that the provost of Edinburgh had been in direct consultation with the French ambassador. Letters were written to the king, the secretary of state and the ambassador, with £300 sterling (£3,600) advanced to anyone the convention appointed, to be augmented to £4,500 sterling (£54,000) if the imposition was removed. The ambassador to France (Lord, later viscount, Preston) began to negotiate on the convention's behalf and it corresponded with him, thanking him for his efforts, while in 1684 the privy council wrote to the duke of Albany asking him to represent the matter to the king.⁶¹ The convention decided that it no longer wished it to be continually on the missive, so an advocate was appointed to go to the English and French courts to negotiate. The following year he reported and the convention agreed with his assessment that parliament should be asked to recommend to the king that the ambassador continue to seek the restoration of Scottish privileges in France.⁶²

Success was probably always unlikely in this case and was never forthcoming, but once again the convention demonstrated an ability to mobilise different parts of the administration in Scotland to act on its behalf. It was successful in getting the ambassador to treat directly with the French, which must have required the king's approval, and again it showed that it was not willing to sit back and allow the burghs'

⁶⁰ Ibid., 672-4; ECA, Moses Bundle 210.

⁶¹ *RPC*, ix, 43.

⁶² *RCRBS*, iv, 31, 39-40, 45, 49, 56; ECA, Moses Bundle 211.

trading interests to be damaged without trying to change things, whether it was a matter of interest to the nation or only to the burghs. While its success was inevitably limited given the interests which were arrayed against its own, both within and without Scotland, its influence remained and its expertise was respected.

The convention in opposition

In the face of prejudicial crown interests, the convention had on occasion shown its continued vigour in joining the opposition in parliament, as seen in chapter five. On these occasions the burghs were joining an established opposition, but at least once the convention showed direct opposition to the crown on its own initiative. It was only one occasion and the level of support for it within the convention is very hard to judge, so perhaps its significance is limited. Yet it does show that the convention, as a forum for bringing together the views of the burghs, could be very effective and could promote such an independent agenda for the burghs that it brought them into direct conflict with the king rather than experiencing mere suppressed dissatisfaction.

In July 1674 Charles sent a letter to each of the burghs, before the general convention, expressing his desire to ‘mentaine the just rights and priviledges of all our good subjects’ and the royal burghs in particular. He complained that an innovation had been introduced, with burghs sending commissioners to the convention ‘who are not actuall residenters within these burrows comissionating them nor bearing proportionable charges with them’, and requested that the convention make sure its acts on commissioner’s qualifications were obeyed in future.⁶³ The general convention closed soon after it sat, Charles later claiming that ‘although tymly notice wes given unto them that a letter from us would be soon with them, yet some factious persones

⁶³ *RCRBS*, iii, 639-42; *ACL*, v, 339; PKA, Perth Town Council, B59/16/9, f.51r; NAS, Peebles Correspondence, Bundle 1, B58/17/8, 3 July 1674.

amongst them prevailed with the rest to make a suddain adjournment', though the reasons for doing so were not made clear. Mackenzie suggested that it was actually those who later opposed the burghs' reply that caused the adjournment because they 'wanted courage'.⁶⁴ A further convention met in August to consider a reply to the king, with all the burghs summoned though it was not officially a general convention. Two draft replies were considered. That which was sent stated that in the interests of protecting the freedom of parliament by not limiting the burghs' liberties the convention had always allowed non-residents to be elected where they could be 'serviceable to thair interest'. It stated that these non-residents had proved 'to stick more clos to your Majesties interests and ours and [were] more capable to serve your Majestie'. A letter was also sent to Lauderdale asking him to present the letter and second the burghs' desires before the king.⁶⁵

One of the reasons behind the king's letter appears to have been a dispute with the advocates, who were unhappy at the appointment of unqualified people to legal positions. As seen in chapter five, some advocates were chosen by burghs as commissioners to parliament, though none of them were at the convention as commissioners in 1674. At least five burghs sent advocates, two of whom were burgesses of the burghs they represented. The other three were sent by very small burghs which may not have been able to send a commissioner otherwise, and it is possible that these burghs were convinced to commission advocates to get them into a position where they could challenge the king's interest in parliament. The advocates' grievance was probably more with Lauderdale than the king himself, but the king's action in writing to the burghs was aimed at excluding them from representing burghs and having a platform for their opposition. Their contribution to the opposition to

⁶⁴ Mackenzie, *Memoirs*, 274; *RPC*, iv, 318-9.

⁶⁵ *RCRBS*, iii, 640-2.

Lauderdale in parliament in 1673, which the non-resident commissioner of Selkirk also supported, certainly contributed to the move against unqualified commissioners.

Mackenzie suggested that as well as trying to exclude these opponents, the king sought to 'engage the Burghs to an immediate dependence upon the crown'.⁶⁶ Although no advocates were commissioners to the convention, some were present and drafted the burghs' reply. Mackenzie claimed that the letter he drafted had been more dutiful towards the king, perhaps the unsent draft, but had been altered by some of his rivals in an attempt to make Mackenzie 'unpardonable' before the king. As it had Mackenzie's name on it he claimed that the burghs 'follow'd [it] implicitly'.⁶⁷ This explanation may have been an attempt to attach all the blame to his rivals, and it is highly unlikely that the burghs were indeed so ignorant of the form of the reply.

However, the level of support for the convention's actions is hard to judge. Opposition to the letter was led by Thriepland, provost of Perth, and James Currie, provost of Edinburgh and preses of the convention. Edinburgh's other commissioners also left, with those of Haddington and Banff. Thirty-seven burghs were absent, so if these were the only burghs which protested, those who approved the letters, with Aberdeen's provost Petrie as preses, made up 37% of the total number of burghs, a large number but not a majority.⁶⁸ With this in mind, the claim of the convention in January 1675 that 'it is not the whole bodie of the burrows that have been guiltie of that irreverent and unduetifull returne which wes sent to his Majesties most gracious letter, but a few

⁶⁶ *RPS*, 1673/11/2; *RCRBS*, iii, 638-9; Mackenzie, *Memoirs*, 274; Young, *Parliaments of Scotland*, 76, 809, 330-1, 185, 500-1; Paterson, *King Lauderdale*, 217; MacIntosh, *Parliament*, 145-6.

⁶⁷ Mackenzie, *Memoirs*, 276.

⁶⁸ *RCRBS*, iii, 638, 642; WDA, Dumbarton Council Records, 1/1/4, 46-50; Lee, 'Government and Politics', 248.

turbulent persones', has some truth behind it.⁶⁹ The king told the privy council in February that he had received letters from the convention and

some of the most eminent borrowes, condemning, disclameing and detesting that letter in August last, therfor, for vindication of our authority and clearing of our borrowes, wee doe think it necessary that the cheeff actours and contryvers of that abominable letter be tried and punished by yow as so high ane offence doeth justly deserve.⁷⁰

In the end only the three leading commissioners were prosecuted and received hefty fines, with no burghs or advocates censured.⁷¹

Aberdeen had originally sent its commissioner with the instruction that he should 'hold out to the said conventione that it is the royall burrows of this kingdome ther bund duetie to give all due obedience to his Majesties gracious letter'.⁷² It was clearly not in support of Petrie's actions and in January petitioned Lauderdale and the privy council, disclaiming the letter in order that

the stain putt on the said burgh of Aberdein by their commissioner his being preses of the said meiting might be taken off in some measure, and that the Councill might be pleased to signifie the forsaid disclamation to his Majesty that they may no longer undergo the said reproach.⁷³

Dundee's commissioner Forester was also, along with Petrie and the commissioners of Glasgow and Jedburgh, accused of being behind the letters. Though he died before action could be taken against him by the privy council, the burgh council still sought to distance itself from his approval of the letters, stating that

⁶⁹ *RCRBS*, iii, 645.

⁷⁰ *RPC*, iv, 356-7; *RCRBS*, iii, 644-5.

⁷¹ *RPC*, iv, 367-76.

⁷² *ACL*, v, 334-5.

⁷³ *RPC*, iv, 335-6; *ACA*, Town Council Registers 1/1, iv, 638-40.

we disclaime disowne and deteaste the said letter and hes cancelled expunged and extinguished the said George fforrester our lait comissioner his report made of the said convention That no record may be had thair of in tyme comeing to be extint to posteritie.⁷⁴

On the other hand, when Kirkcaldy's commissioner reported from the convention and produced copies of the letters to the king and Lauderdale, they were read and approved by the burgh council. Glasgow initially supported its commissioner, another of the ring-leaders, by allowing and approving his report of what he had done. However, this was only a general acceptance and once it received details of the letters – and the king's reaction – it was quick to disown what he had done claiming that ignorance had caused it to accept it initially.⁷⁵

The king's response to the letter was in strong terms. Of the 'factious persones' he said that 'instead of a most duetifull return, which we might justly expect to so gracious a letter wherein their owne interest and advantadge were only concerned, they did assume the boldnes to send us ane impertinent return', with 'insolent expressions wherewith wee have great reason to be heily dissatisfied'.⁷⁶ Though Dundee's removal of its commissioner's report might suggest that it had given at least implicit approval to his actions, it would be overly cynical to assume that the convention's rejection of the letter was merely a reaction to the king's angry response. However it is likely that this was a factor, and it is clear that the sentiments expressed in the letters aroused more than a little sympathy. Aberdeen actually paid £200 to Petrie when he was

⁷⁴ DCA, Council Book, vi, f.67. Forester died between 15 December 1674, the last time his name is on the sederunt of the burgh council (f.66v) and 18 March 1675 when he is recorded there as 'deceast' (f.68r). As his name suddenly disappears from the lists of the accused in the Privy Council register on 7 January 1675, he probably died before this point (*RPC*, iv, 318-20).

⁷⁵ FCA, Kirkcaldy Burgh Council Minutes, B/KCY/1/1/1, f.125r; *RPC*, iv, 615 (extracted by the privy council from the Glasgow burgh council minutes); *Glas. Recs.*, 1663-1690, 192.

⁷⁶ *RPC*, iv, 318-9.

summoned before the privy council concerning his part in the affair.⁷⁷ Certainly the majority of the twenty-eight burghs present must have agreed with the draft letter which was chosen to be sent.

There is a letter in the National Archives of Scotland from the burghs to the king which is probably the other draft letter, as it contains much of the same material but with a different response to the king's request. Rather than simply telling him that it would continue to elect non-residents, it says that the convention cannot yet give an answer as the matter would require the examination of both the acts of convention and parliament for which there was not time, while stating 'we are not in a legall capacitie to make acts and constitutiones relating to our policie and government But at our generall conventions'.⁷⁸ It seems that the convention wished to make some kind of point to the king and that problems arose when one group wanted to do it in a stronger way than the other. The division within the convention was not simply a matter of acceptance or rejection of the king's letter, and at least some of those who left were not wholeheartedly in favour of the king's demands. Certainly one of them, Robert Baird, dean of guild of Edinburgh, was not entirely subject to the king's demands; in 1675 he was declared incapable of holding office in the burgh due to factionalism and operating against the king's instructions.⁷⁹

There is no question that the king's assertion of the regulations was correct, and both draft letters are therefore baffling. Since the convention had fought 'royal endorsement of "lords, earls, barons and other gentlemen" to offices in burghs' in 1590, its rules had been enforced, so the convention's suggestion that it had always allowed non-resident

⁷⁷ ACA, Town Council Registers 1/1, lvi, 54-5.

⁷⁸ NAS, GD406/1/10662.

⁷⁹ *RPC*, iv, 469-70.

commissioners was simply wrong.⁸⁰ MacIntosh suggests the flouting of the rules was due to the advocates capitalising on ill-feeling amongst the burghs after the 1672 act and Lauderdale's support of Andrew Ramsay, who had been removed as provost of Edinburgh the previous year. However, all but one of the non-resident burgh commissioners at parliament were elected before 1672. She also states that the burghs argued that 'if no non-residents were permitted to serve on their behalf, many burghs would be forced to send unqualified men in their place', backed up by the fact that forty-three of the sixty burgh commissioners to Parliament in 1681 were without parliamentary experience. Mackenzie believed that the burghs were right to desire that experts in law could represent them, while using the burghs' trading expertise to ensure that trade did not suffer by having advocates in parliament.⁸¹ Having broken its own regulations, it is natural in one sense that the convention should try to protect or justify what it had done when the king challenged it, but on the other hand it seems foolish to oppose the king directly in a way that could clearly be seen as seditious when the king's position was legally correct.

Though it is hard to gauge what the extent of the opposition to the king was, it seems that even those who opposed the letter were not entirely happy with the burghs' lot. The reason almost certainly lies in the act of 1672. The advocates may well have capitalised on the ill-feeling this caused to further their own aims, but the burghs' grievances, not the advocates', directed the convention's response. All of the letters from the convention to the king and Lauderdale covered the problems the royal burghs were facing due to the communication of foreign trade to the burghs of barony and regality, without the latter taking on any more public burdens. This includes the draft that was sent in 1674 and that which was not, the letter to Lauderdale in January 1675

⁸⁰ M. Lynch, 'The crown and the burghs 1500-1625', in Lynch, *Early Modern Town*, 64.

⁸¹ Mackenzie, *Memoirs*, 274-5; MacIntosh, *Parliament*, 146-7, 187.

and those to him and the king in July.⁸² The convention was united in its desire to have the act of 1672 reversed, even though this brought it into conflict with crown policy. It was not united in deciding how this should be done, but it is clear that the interests of the estate as a whole drove the convention's action and in this it was continuing to fulfil its role.

The convention achieved nothing in the short term from sending the letter to the king. It was forced to backtrack and restore the rules on qualifications as the king had asked, declaring that none should be elected to parliament, conventions of estates, general or particular conventions unless they were 'merchand traffiqueris, present residenters within the burgh comissionating them, and who bears common burdeen with the rest of the inhabitants, and are such persons who can gaine and lose in the concerns of borrows'. Stringent penalties were decreed for any who elected unqualified persons or any who accepted commissions when unqualified.⁸³ Yet perhaps in the longer term the convention did achieve something, due to its effusive declarations of loyalty in 1675 but also due to the letter. Under James, as commissioner and as king, the issue of the change or revocation of the 1672 act was discussed in parliament. Admittedly, interference in burgh elections after Lauderdale's demise had produced a theoretically more compliant convention while James had his own agenda for which he wanted support. But perhaps those in power held the convention in enough respect that the vigour with which some members had tried to protect their trading interests, even though it brought them into conflict with the crown, caused the crown to recognise just how important an issue this was for the burghs and to act to change things.

⁸² *RCRBS*, iii, 644-5, 651-2.

⁸³ *RCRBS*, iii, 649-51.

Crown encroachments

Royal interference in urban affairs was notable in the Restoration period and highlights the role the crown could perform as an opponent of the convention. It has already been seen how the opposing interests of the landed elites and of the crown hindered the burghs' attempts to maintain their privileges in parliament and in their lobbying efforts, notably in Lauderdale's support of the 1672 act. Devine sees the period 1660-1700 as one in which 'an increase in national economic power became the aim of both Scottish government and the landed elites which it represented', and the exclusion of the burghs from that statement is telling.⁸⁴ In the union negotiations with England in 1670, the burghs were absent except for Lauderdale's supporter Sir Andrew Ramsay as their expertise was ignored in favour of the landed interest, and particularly Lauderdale's own supporters, crown-appointed bishops and officers of state.⁸⁵ The king's role in granting manufacturing rights to individuals and companies and his foreign wars against the Dutch and French which would not have been fought by Scotland are highlighted by Smout and Keith as undermining the royal burghs' privileges and hindering their trade.⁸⁶ Even though the influence and expertise of the convention continued to be respected by the privy council and others throughout the period, this respect was limited, extending only to where it sat comfortably with the landed and royal interests. Brown states that the crown was a bigger threat to the royal burghs than the landowners, especially as the privy council took over more of its responsibilities.⁸⁷ It cannot be forgotten that the convention, particularly when mobilising the support of the council, was able to influence royal policy to a degree, but again this was only when its desire did not directly clash with the king's.

⁸⁴ Devine, 'The Union of 1707', 26.

⁸⁵ MacIntosh, *Parliament*, 113.

⁸⁶ Smout, *Scottish Trade*, 16, 18; Keith, 'Influence of the Convention', 265.

⁸⁷ Brown, *Kingdom or Province*, 52.

The crown was seeking to exercise greater control over the burghs and this inevitably caused it to encroach on the convention's jurisdiction. One of the areas in which this was done was in the administration of the individual burghs' common good funds, which the convention had taken upon itself in order to prevent their misuse. According to Pagan, between 1660 and 1683 the exchequer called for yearly accounts to be presented to it thus taking on the convention's role in examining these.⁸⁸ However, the exchequer records suggest that this did not happen regularly, even allowing for loss of records, and it was not an innovation of the post-Restoration period. A number of burghs record an order from the king, communicated by the treasurer and treasurer depute in September 1684, for the common good accounts since 1660 to be sent to them for examination, so that they could 'acquaint his majestie if the same hath beine profitablie expendit or not'.⁸⁹ Although only a few of these accounts remain, and fewer burghs record the order, it indicates a desire to improve the crown's regulatory jurisdiction over the burghs, removing it from the convention.

It has already been seen how the convention had to apply to the privy council for the enforcement of rules on weights and measures and in other matters, while chapter five showed how the committees and council of trade were stripping influence from it in matters of trade. Any jurisdiction it had had over fishing, in which the royal burghs had the greatest interest, was also damaged with the establishment of fishing companies in response to the act of parliament in 1661. The privy council passed a number of acts, in response to appeals from these companies, setting dues that had to be paid by anyone not in the companies and even allowing a Dutchman to join a

⁸⁸ Pagan, *Convention*, 107, 113.

⁸⁹ WDA, Dumbarton Council Records, 1/1/4, 416; HCA, Inverness Council Minutes, 1/1/6, 11 Nov. 1684; PKA, Perth Town Council, B59/16/10, f.53r; NAS, E82.

company set up by merchants in Glasgow to contribute his expertise.⁹⁰ Later, a national fishing company was established, with the privy council adding its authority to acts passed by it.⁹¹ These companies were established and run primarily by burgesses in royal burghs, indicating that although their sanctioning had come from central government and was thus challenging the convention, they needed the participation of those it was supposed to represent. As seen in chapter one with merchants trading outside their burghs, challenges to the convention could come from within its membership as well as outside. A more direct form of outside intervention was seen early in 1684 when the privy council sanctioned the convention's new tax roll, which it had not done in 1670 when the roll was last altered.⁹² Thus in areas which were clearly the convention's jurisdiction, whether in law or merely in practice, central government was taking control in regulating more of the affairs of the royal burghs.

One main area of interest to the burghs over which the convention had traditionally exercised authority was the regulation of the staple port in the Netherlands. After 1672 it might not be surprising that the convention's jurisdiction there was at least reduced as, although staple commodities were still monopolised by the royal burghs, they were no longer sole possessors of the right to foreign trade.⁹³ Yet the interference of the crown in this area began straight after the Restoration. The staple was ably discussed by Davidson and Gray at the beginning of last century and so the detail need not be rehearsed here. However, those authors were writing 'a study in the economic history

⁹⁰ *RPC*, i, 158-8, 271.

⁹¹ *RPC*, v, 183-4.

⁹² *RPC*, viii, 329-30.

⁹³ *RPS*, 1672/6/13.

of Scotland' from the point of view of the staple port and so much of the wider significance of what happened in the Restoration period is not seen.⁹⁴

After Charles II's return, there were two rival claims for the position of conservator, and the burghs allowed the king's favoured choice, Sir Patrick Drummond, to be reinstated. The general convention in 1660 had a committee sitting to discuss matters relating to the staple, but it became clear by the time of parliament that the king would take an active role in directing its affairs. He had given specific orders to Drummond regarding anyone transporting goods by the staple instead of through it, while the 'Act for the councill for trade' stated that the council would 'give out orders and directions to all Scots factors and staples abroad'.⁹⁵ Drummond did not last long, dying in October 1661, and Edinburgh called a particular convention in anticipation of the king taking up his 'right and constant custome' of presenting a nominee, rather than appointing Drummond's rival who had been fulfilling the role previously.⁹⁶ Davidson and Gray indicate that this was not actually the king's 'constant custome', but that the convention was unwilling to show any opposition to him in the early days of the Restoration. Such a claim seems to ring true considering its resolution 'to leave the nominatione of the person for the exerceis of the said office to his Maiestie, reserveing to thamselves thair richtis for the futur to nominat as they sall sie caus'.⁹⁷ Sir William Davidson was duly appointed by the king both as 'Conservator of the Priviledges of the kingdom of Scotland in the United Provinces' and 'commissioner for erecting manufactories in Scotland', as well as 'King's Agent for the affairs of England and Ireland'. Despite the potential threat to its authority and influence that he represented, and the conflicting interests evident in this triple role, the convention continued in its

⁹⁴ Davidson & Gray, *Scottish Staple*, 221-31.

⁹⁵ RPS, 1661/1/364; RCRBS, iii, 509-10, 515, 535.

⁹⁶ *Edin. Recs.*, 1655-1665, 263-4.

⁹⁷ RCRBS, iii, 547; Davidson & Gray, *Scottish Staple*, 222.

submissiveness, sending him a congratulatory letter noting ‘the good fortun of the burrowis that it hath pleased his gracious Maiestie to pitch wpon so eminent a persone and ane so nearlie concerned in the burrowis interestis’.⁹⁸ Even when Davidson appeared with a patent for the office to pass to his son on his death the convention acquiesced, further indicating its unwillingness to stand up against the royal will.⁹⁹

The next challenge to the convention’s role as regulator of the staple was of its own doing. It had decided that there was a need to change the location of the staple, with Rotterdam as a possibility because so much trade was illegally going there already. It sought permission from the king to send commissioners to the Netherlands to treat with various ports, starting with Veere, but with the condition that if the king should choose a port it would treat only with his choice. It did try to retain some authority in the decision by stating that if his choice did not offer as favourable terms as Veere it would cancel all negotiations, but in the end the king’s choice, Dordrecht, was accepted. This was a far from popular choice, with a general recognition of the fact that it was not as easily accessible as Veere while Aberdeen, Montrose and Kinghorn made formal protests against any move of the staple.¹⁰⁰ But the convention seems to have bound itself to the will of the king in the matter and on Davidson’s resignation (for himself and on his son’s behalf), it again accepted the king’s appointment of a new conservator and wrote to Lauderdale thanking him for his care in providing such an able replacement.¹⁰¹

⁹⁸ *RCRBS*, iii, 551; *RPC*, i, 122.

⁹⁹ *RCRBS*, iii, 600.

¹⁰⁰ *RPC*, ii, 558; *RCRBS*, iii, 561, 600-2, 607-8, 609-10, 611; Appendix I, 675-88, contains the articles of agreement with Dordrecht, the king’s confirmation of the burghs’ commissioners and his approbation of the agreement.

¹⁰¹ *Ibid.*, 624-5, 626.

Complaints against the unsuitability of Dordrecht forced the convention to seek another change of port in 1671, only two years after the initial change, and it had to write to Lauderdale to ask him to encourage the king to ‘concerne himselfe in the same’. When after five years of negotiation and discussion the port was moved back to Veere, it was done so only on approval of the king. Aberdeen did, however, receive a letter from Lauderdale claiming that the king had accepted the articles for settling the staple at Veere because the convention had subscribed them.¹⁰² It therefore cannot be assumed that the convention had lost all authority in the staple and it did continue to apply its rules there. It decided that its acts regarding the staple were sufficient for resolution of certain disputes between the conservator, several factors and the keeper of the ‘consergerie house’. It also stated (despite Aberdeen’s protest) that coal was not and had never been a staple commodity and that the conservator could not exact dues upon it, and it sought to stop burghs of regality and barony transporting staple commodities from which they were barred. Acts continued to be passed regulating aspects of the staple trade and the officials there, and though the privy council was asked to support the convention in this, it challenges Davidson and Gray’s assessment that the burghs only showed a ‘revived interest ... in their own claims on matters concerning the Staple’ after Kennedy was appointed conservator in 1682.¹⁰³

Kennedy was another crown appointee positioned after the previous conservator, among other officials, was found guilty of embezzlement and ordered to step down or be reported to the king. The convention asked Lauderdale for permission to recommend a conservator and on receiving the king’s nomination was not willing to

¹⁰² *ACL*, vi, 36-7; *RPC*, v, 32-3, 41-2; *RCRBS*, iii, 625, 629, 667-70; Appendix II, 689-706, contains the articles of agreement with Veere, including the king’s and the burghs’ commissions to the new conservator and the king’s approbation of the agreement; *RCRBS*, iv, 5.

¹⁰³ Davidson & Gray, *Scottish Staple*, 231; *RPS*, viii, 3-5; *RCRBS*, iii, 613-4, 658, 661; *RCRBS*, iv, 3-5, 9; *ACA*, Letter Books – 8/1 (Incoming), vii, ff.7, 9.

accept unquestioningly. It appointed a committee to consider ‘what interest the burrows hes in the nomination and election of the conservator’, and though it unanimously approved the king’s gift in favour of Kennedy it was done ‘under protestation of reserving the burrows priviledges of choiseing and nominateing ane conservator in tyme cuming as accords of the law’.¹⁰⁴ In this Davidson and Gray’s assertion of the ‘revived interest’ of the burghs holds true and, though their interest had never died, from this point on there is evidence of a renewed vigour in protecting their right of jurisdiction over the staple. When a factor was called to Edinburgh to answer to an accusation of communicating with rebels, a number of burghs successfully stepped in and gained a delay as their interests would be damaged if he left the Low Countries at that time.¹⁰⁵ The convention did concede to James VII’s request for Kennedy to have a proper salary instead of being paid through small dues on certain goods, but said that it would find it difficult to do so because the burghs were struggling after the communication of trade to burghs of regality and barony and sought redress for this.¹⁰⁶ In 1686 the convention directly opposed the king when he awarded the conservator ‘severall considderable impositions’ on Scottish ships and merchants, presumably because a salary had not been forthcoming. After an appeal it was told that it could redeem the gift as long as it paid handsomely for it.¹⁰⁷

Davidson and Gray highlight how the conservator was the burghs’ representative in the Low Countries and was there to act on their behalf, though Charles II did not acknowledge this and had his own nominees placed as conservators.¹⁰⁸ As has been seen the convention did show that it could remove the conservator when he acted in an

¹⁰⁴ *RCRBS*, iv, 12-3, 15-6, 23, 31-2.

¹⁰⁵ *RPC*, viii, 111-2.

¹⁰⁶ *RCRBS*, iv, 52-4.

¹⁰⁷ *Ibid.*, 67-8, 69-70.

¹⁰⁸ Davidson & Gray, *Scottish Staple*, 366.

unsuitable manner and also retained the right to instruct him and enforce its own regulatory rules. Though it lost power in the appointment of the conservator, it showed an ability to act independently of the crown in restoring the staple to Veere, having bowed to Charles in its initial move, and was able to directly challenge James over the conservator's dues. This ability to act independently seems to have paid off as, on Kennedy's death in November 1688, James responded to a request for a new conservator by saying that he thought good not to appoint one

untill that wee have your opinion both as to the expediency of supplying this vaccancy and the continuing of this office, and alsoe vpon the conditions and rules wherby it may be best regulated for the better advancement of trade, and vpon the rate and manner of the allowance fit to be given to the person that shall be named to it, declaring in the meantime that wee [do not] purpose to renew that extraordinary imposition upon goods and passengers ... judging it ane unnecessary and too heavy a burthen upon your trade and commerce.¹⁰⁹

This came at a time when James had so interfered in burgh elections as to produce conventions that were crown-approved if not nominated, but it does indicate that the convention was regaining some of the power in this area which it had previously lost to the crown and was still able to influence crown policy on the staple. It seems that James was seeking to gain the convention's favour at a time when pressure on him was building, just before the Revolution. This fits with his actions in England at the time, when he partially reversed the interventions he had made in urban government in the preceding years.¹¹⁰

¹⁰⁹ *RCRBS*, iv, 81-3.

¹¹⁰ G. C. F. Forster, 'Government in provincial England under the later Stewarts', *Transactions of the Royal Historical Society*, 33 (1983), 46; Sweet, *English Town*, 64.

Central intervention in urban politics was not a new phenomenon in the Restoration period. MacDonald shows that in the century preceding the period of this study, crown imposition of magistrates and councils was not uncommon, particularly in periods of authoritarian government, as under Arran, and national crisis, with the 1640s seeing a time of particular interference.¹¹¹ That which happened under James was at least on a par with that in the 1640s, but though it was the most obvious, it was by no means the first case of interference in burgh affairs in the period. The actions of both Charles and James have been well-documented, with the focus particularly on the period after 1681. They are often used as examples of the increasing absolutist tendencies in the monarchy, responses to both the threat and reality of opposition among the burghs, with Brown going so far as to say that under James ‘the crown was determined to control burgh politics’.¹¹²

English boroughs also saw the crown taking an increased level of control over their politics. Soon after the Restoration the Corporations Act was passed, which, as happened in Scotland, forced potential office holders to sign a declaration against the Solemn League and Covenant and take an oath against resistance to the king. Charles’s aims were more stringent even than this, wanting the power to choose mayors, but parliament blocked this. The Act did, however, allow for the removal of even those who had passed both tests and this seems to have happened, resulting in a purge of the magistracy of many towns. Towards the end of his reign Charles appears to have stepped up his pressure on the boroughs, and this increased into the reign of James. He extended Charles’s policy of altering the charters of corporations in order to remove his opponents. As well as breeding opposition in the boroughs this seems to have bred

¹¹¹ MacDonald, *Burghs*, 39-42.

¹¹² Brown, *Kingdom or Province*, 52; I. A. Archer, ‘Politics and Government 1540-1700’, in Clark, *Cambridge Urban History*, 258; Harris, *Restoration*, 355-6; MacIntosh, *Parliament*, 232-3, 235.

chaos, as it ‘precipitated political and administrative disorganisation’, made worse by the reversion of the policy in 1688.¹¹³ Although some links have been drawn between the English and Scottish situations in the historiography, the most recent work remarkably seems to fail to see any connection, not even discussing the tests imposed in Scottish burgh elections in 1660-1.¹¹⁴

Evidence of direct crown interference in the convention is scarce, other than when Lauderdale discharged the meeting of the general convention in 1667 for unfortunately unknown reasons.¹¹⁵ Yet control over the burghs which constituted the convention had an indirect impact on the collective body. There were a number of forms of intrusion, with disputes over legal jurisdiction within burghs and the right to elect ministers occasionally arising, as seen in chapter one. There are also examples of burghs being expected to act against conventicles within their liberties with fines imposed if they failed, while the inhabitants as well as the magistrates of the burghs in 1678 were commanded to take a bond to keep the peace as a response to religious dissent.¹¹⁶ This fear of religious dissent was one of the reasons behind some of the restrictions on burgh elections seen throughout the period.

Restrictions on elections were the first, most significant and most common form of direct interference. They started with Glencairn’s letter to the burghs ordering them to ensure that in the 1660 elections ‘such onlie may be maid choise of as ar of known fidelitie and loyaltie’.¹¹⁷ The oath of allegiance enacted by parliament in 1661 was

¹¹³ Clark & Slack, ‘Introduction’, 23; Forster, ‘Government in provincial England’, 30, 44-6; Howell, ‘Newcastle and the nation’, 288-95; Hutton, *Charles the Second*, 168-70; Sweet, *English Town*, 62-4.

¹¹⁴ De Kray, *Restoration and Revolution*, 35-6, 185-8, 198-9, 202, 230, 240-1, 250; Harris, *Revolution*, 178.

¹¹⁵ DCA, Dundee Council Book, v, f.37v.

¹¹⁶ Conventicles: see throughout *RPC*, particularly from iii. Details on the bond of peace can be found in *RPC*, v, 369-70, with details of who signed the bond at p.518 onwards.

¹¹⁷ *RCRBS*, iii, 522-3.

followed by an order for it ‘to be taken and the act for the royall prerogative to be signed be all magistrats and counsell within burgh at thair first meiting after sight heirof’.¹¹⁸ The privy council also gave an order for only those loyal to the king and qualified as the acts of parliament stated to be elected within the burghs. In 1662 this was followed by the ‘Act concerning the declaration to be signed by all persons in publict trust’ in 1662. The Declaration declared loyalty to the king and the church and foreswore the Covenants, and calls for its subscription were repeated regularly by the council.¹¹⁹ MacIntosh claims that the ‘little evidence of widespread manipulation of local elections’ for parliament in 1669 shows ‘that the oath of allegiance and the declaration of public trust had largely succeeded in preventing any known opponents from obtaining election’.¹²⁰ This of course meant that any opponents would also be excluded from representation in the convention, which would in theory then be more compliant to royal wishes.

There were many examples of interference in elections under Charles II, but the first expression of dissent was, interestingly, dealt with by the convention. In 1661 a number of Dumfries councillors and two of its bailies failed to take the oath of allegiance, so the convention authorised a new election.¹²¹ From this point on, however, the privy council took over such matters, whether a new election was required due to death, in the case of Linlithgow’s provost in 1663, or dissent, as in the difficulties experienced by Ayr and Irvine in finding people to take office as many refused to sign the Declaration.¹²² In 1663, the magistrates of Kirkcudbright were actually imposed on the burgh by some of the local nobility, after the provost and

¹¹⁸ *RPS*, 1661/1/88, 1661/1/318.

¹¹⁹ *RPC*, i, 41; *RPS*, 1662/5/70; Mackenzie, *Memoirs*, 61.

¹²⁰ MacIntosh, *Parliament*, 84.

¹²¹ *RCRBS*, iii, 545; *DAC*, Dumfries Council Book, WA2/2, ff.173v-6v.

¹²² *RPC*, i, 462, 601, 617-8; *RPC*, ii, 95; *AAC*, Ayr Council Minutes, B6/18/2, ff.168v-9v, 226v-7r; Ayr Council Minutes, B6/18/4, f.106.

others had supported a tumult against the ministers.¹²³ On occasion particular instruction was given by the crown as to the composition of all or part of a council. Ayr was ordered to maintain its provost and council in the 1660s and Edinburgh had to keep its council in place rather than holding an election in 1674. Edinburgh was also threatened with the prospect of having no burgh leadership at all if its 1673 election was irregular, while in 1675 certain people were barred from holding office in the capital.¹²⁴ The barring of people from public office was not uncommon in the period, affecting the burghs in particular, and was one of the grievances recorded in a pamphlet in 1679 describing the abuse of government under Lauderdale.¹²⁵

Direct imposition of favoured candidates was rare until after the introduction of the Test Act, a new oath of allegiance to the church and king, in 1681.¹²⁶ This bears comparison with the English experience, as Charles's interference stepped up in the 1680s. That he used less direct means in Scotland than in England perhaps testifies to the influence of the convention, as a more organised burghal estate would more readily foster opposition to direct action such as the alteration of charters. MacIntosh claims that 1674 was when direct interference began, but these examples show that there were few instances before 1681, and some of these came before 1674. After the dissent shown by the convention in 1674 it is not surprising that every burgh was ordered to send to the privy council a copy of the Declaration signed by their newly elected magistrates, but no further impositions were felt necessary at this stage.¹²⁷

¹²³ *RPC*, i, 365.

¹²⁴ *RPC*, iv, 103-4, 469-70; AAC, Ayr Council Minutes, B6/18/2, ff.244v, 246.

¹²⁵ Anon, *Some particular Matter of Fact*, 2. For examples, see: *RPC*, i, 298; *RPC*, iii, 344-6; *RPC*, v, 42.

¹²⁶ *RPC*, ii, 195; *RPC*, iv, 281-2; *RPS*, 1681/7/29; AAC, Ayr Council Minutes, B6/18/2, ff.244v, 246.

¹²⁷ MacIntosh, *Parliament*, 148.

After subscription of the Test was made a requirement of holding office, the level of interference in influencing the composition of burgh councils was stepped up by Charles's council. This would of course have meant that the commissioners to the convention were more likely to have been specifically approved or appointed by the king or council, further reducing the likelihood of the convention acting in any way which was opposed to the king, even if it was in the best interests of the burghs. There are a number of examples from that year and in later years of burghs (particularly in Fife and the south-west, including in 1681 Irvine, Renfrew, Dunfermline, Inverkeithing, Linlithgow, St Andrews and also Selkirk) failing to hold elections due to a refusal among old officials and officials-elect to take the Test. When this happened, the right to hold an election was stripped from the burgh for a year and the privy council chose the magistrates and council. Disputes within Ayr's council, with the problems perhaps exacerbated by some elected officials refusing the Test, were the pretext for extensive intervention there in 1682-4, though a similar situation in 1685-6 saw only a supervised election and no direct intervention.¹²⁸ A further measure taken to try to regulate elections – previously a convention role – was the demand for each burgh to send in an exact account of its constitution in 1682.¹²⁹

A new degree of intervention was reached in March 1683 when the earl of Linlithgow was appointed provost of Queensferry until Michaelmas 1684, the burgh having chosen no magistrates or council in the previous year, though he was told to make a list of persons within the burgh who were suitable to hold office. A similar situation was seen in Linlithgow later that year when the earl of Linlithgow was granted jurisdiction over the burgh to suppress disorders and then Lord Livingston was placed

¹²⁸ *RPC*, vii, 210, 249-51, 255-7, 273-4, 421, 548, 597; *RPC*, viii, 66-7, 217, 261-2; *RPC*, ix, 177-8; *Edin. Recs.*, 1681-1689, 81-5; AAC, Ayr Council Minutes, B6/18/4, ff.182r-4v, 216v-7r, 266, 271.

¹²⁹ *RPC*, vii, 330-1.

as provost for almost a year.¹³⁰ These appear to be the first occasions in this period when the residency qualifications for burgh officials, reiterated by Charles himself in 1674, were flouted by his own administration. Mackenzie drew a stark line between Charles's attempt in 1674 to exclude 'factionous' country gentlemen from the burghs and James's opposite stance, but these instances show that the lines are not so clear.¹³¹ When the burghs seemed to require more controlling, Charles was quite willing to achieve this by ignoring the rules he had tried to enforce.

This increased interference could be attributed to the increased role of James, duke of Albany, in Scotland, especially given his even greater impositions on the burghs from 1686 as James VII. Yet it could also be attributed to the absence of Lauderdale, from whom James took over as commissioner. Lauderdale, as has been seen above, had been the burghs' agent at court since 1660, wielding a great deal of influence among them. When he was removed from the picture, direct crown control increased – and this, as far as the Test goes at least, did not just affect the burghs but anyone in public office. The burghs bore the brunt of this increased control, and it is possible that Lauderdale had been viewed by Charles as his agent of control over them. Apart from the period from 1672, culminating in the incident in 1674, for which their apologies were almost as profuse to Lauderdale as to the king, the burghs collectively in the convention had shown little or no opposition to the crown. With Lauderdale gone, a new method was needed to ensure that such good behaviour continued, and this perhaps explains both the carrot of assurances over the removal of the 1672 act, discussed in chapter five, and the stick of the Test and interference in burgh elections.

¹³⁰ *RPC*, viii, 89-90, 244, 302-3.

¹³¹ MacKenzie, *The Scottish Burghs*, 133-4.

James VII's own meddling in the burghs' electoral affairs reflects this dual approach. It happened after his defeat in 1686, when the burghs contributed to the failure of his attempts to introduce toleration of Catholicism. His impositions on the burghs were supposed to create 'lobby-fodder' for any future parliament after the opposition earlier that year; as Fountainhall put it, 'to secure the elections of the Commissioners to the next Parliament better than they were last'.¹³² It also again reflects the English situation, though now James sought to meddle in urban politics in as direct a way (or more direct, as Harris suggests) in Scotland as in England. The privy council had discharged Edinburgh's right to an election in 1685 and then chosen its provost, but it was the following year that the intervention reached new levels.¹³³

On 16 September 1686, just before the burghs were due to hold their elections, the privy council received a letter from the king suspending elections in the burghs until further notice. This also happened in the following two years. Glasgow was allowed to proceed as normal, probably due to the archbishop's involvement in elections there, some burghs such as Lochmaben apparently had elections stopped completely, but most saw some form of direct crown interference. Many had their magistrates nominated by James, with many gentry and nobles, unqualified as they were not resident traffickers, being placed as provosts of prominent burghs – for example, John Graham of Claverhouse became provost of Dundee.¹³⁴ James's interventions clearly

¹³² Fountainhall, *Historical Notices*, 752; G. H. MacIntosh, 'Arise King John: Commissioner Lauderdale and Parliament in the Restoration Era', in Brown & Mann, *Parliament and Politics*, 179; Mann, 'James VII, King of the Articles', 205; Patrick, 'Restoration to Revolution', 63-5; MacKenzie, *The Scottish Burghs*, 149-50; Brown, *Kingdom or Province*, 52.

¹³³ *RPC*, xi, 188, 194; Harris, *Revolution*, 178.

¹³⁴ *RPC*, xii, 454, 491-3, 511-5, 542-4; *RPC*, xiii, 42-3; *Stir. Recs.*, 1667-1752, 49-50, 53-4; *Glas. Recs.*, 1663-1690, 390-2, 405-9, 413-4, 417-8; *The Lochmaben Court and Council Book 1612-1721*, ed. J. B. Wilson (Edinburgh, 2001), 184-5, 186, 188; AAC, Ayr Council Minutes, B6/18/4, f.306; ACA, Town Council Registers 1/1, lvii, 236, 238-40, 266, 271, 295; WDA, Dumbarton Council Records, 1/1/4, 512-3, 525-6, 561-2, 595; HCA, Inverness Council Minutes, 1/1/6, 26 Sep. 1687; NAS, Peebles Council Minutes, B58/13/3, 6 Feb. & 1 Oct. 1688; PKA, Perth Town Council, B59/16/10, ff.76, 83, 88, 100-1; SAUA, St Andrews Council Minutes, B65/11/2, 149, 151-3; SAUA, Pittenweem Council Minutes,

had some effect, as in 1689 there was concern that if burgh council elections went ahead as usual, dominated by the current incumbents, the estate would remain favourable to James. To avoid this, elections were thrown open to all Protestant burgesses, which created some conflict but ultimately saw the Revolution party winning in most cases.¹³⁵

These impositions would of course affect the convention, as its commissioners would be elected by the crown nominees and thus would in theory be even more liable to toe the royal line. Some of these nominees were themselves elected commissioners, and the convention was faced with the problem of having commissioners present who were excluded according to the laws reiterated in 1675.¹³⁶ It thus passed an act in 1687 declaring that the residency qualifications for commissioners

shall not be understood to comprehend such commissioners as shall be nominat magistrats or councellors of the royall burrowes by the Kings Majestie, bot leaves it arbitrary to such burghs to insert or not insert in their commissions the forsaid qualifications contaned in former platforms as they shall think fitt.¹³⁷

Dumbarton accordingly changed its set commission to state that commissioners should be God-fearing men but without the specification that they should be Protestant.¹³⁸ A comparison of the commissions for 1685 and 1688 also show that this was taken advantage of by the burghs. The 1685 commissions overwhelmingly follow the set pattern, with the commissioner's qualifications specified, while those in 1688 are

B60/6/1, ff.105, 107v; FCA, Kirkcaldy Burgh Council Minutes, B/KDY/1/1/2, ff.68v-69r; DCA, Dundee Council Book, vi, ff.209v-210r, 220r, 226r.

¹³⁵ D. Patrick, 'Restoration to Revolution: 1660-1690', 69.

¹³⁶ *RCRBS*, iii, 649-51.

¹³⁷ *RCRBS*, iv, 71.

¹³⁸ WDA, Dumbarton Council Records, 1/1/4, 552.

much more varied, that part of the commission being ignored by those burghs which were sending an unqualified crown-nominee.¹³⁹

Despite the influence this interference had on the convention's constitution and its ability to act primarily in the burghs' interests, Keith noted that the convention, regarding municipal elections, 'did not make any remonstrance to the government about the infringement of these liberties'.¹⁴⁰ In one sense this is not surprising as, once the infringement had taken hold, many of those who made up the convention at any meeting were there because of the infringement and could not be expected to challenge it. However, there were indications even before James came to the throne that crown manipulation was increasing, and there was no united effort to challenge it. Peebles was one burgh which did oppose it, knowingly electing in 1682 two councillors who had been declared incapable of holding office by the privy council and agreeing that 'Incaice the present Magistrats and counsell shall sustaine any coast skaith dammage and expenss through ther electing [these councillors] shall be defended upon the publick charges of the burgh and no particular person shall be burdened therwith'.¹⁴¹ Such boldness was not displayed by the convention which failed to speak out to try to limit royal intervention and protect the burghs' liberties.

Given increasing royal interference and the fact that power in certain areas was being taken from the convention and was going to the crown it is not entirely surprising that burghs went to the privy council and bypassed the convention in certain matters, as they did to a small extent with parliament, and as is discussed in chapter one. The fact that certain direct challenges to the burghs' authority went unchallenged by the

¹³⁹ ECA, Moses Bundle 211.

¹⁴⁰ Keith, 'Municipal elections', 122.

¹⁴¹ NAS, Peebles Council Minutes, B58/13/3, 16 October 1682.

convention, in individual cases such as Dundee's dispute with Hatton over the constabulary as well as over burgh elections, cannot have helped this. Perhaps what is surprising is that the pattern of appeals, on all sorts of issues, does not move more towards the crown administration, with burghs still heavily using the convention. In the face of this royal assertion of power, as well as aggressive landed classes attacking burgh privileges, the convention remained an able advocate for the burghs, and retained its influence and authority among its constituent members. The government, particularly James, seems to have recognised this, as his letter to the privy council referred to in chapter one suggests, as he recommended that the convention be used as judge in burgh matters. Whether this was born of a desire to relieve the privy council of tiresome burdens, or was another attempt by James to gain the favour of the burghs before the 1686 session of parliament, it is unlikely that he would have made such a suggestion if he viewed the convention as incompetent.

Conclusion

The general picture of the convention's relationship to the king and his administration in Scotland is similar to that of its relationship to parliament. The burghs struggled to have their interests promoted due to the competition from the landed interest and the crown's own desires. Yet the convention was far from impotent and used many means to promote its interests, often effectively, using different arms of government for different issues and maintaining a strong lobbying network. There is no doubt that, overall, the collective attitude of the burghs was one of submission to the royal will, with the occasional attempt to shape that will to their own. At times the convention gained the support of the crown in its aims, but on one occasion at least it found itself in direct opposition to the crown. It emerged from that affair chastened, and later found the burghs under pressure as councils were extensively shaped to reflect the crown's

desires. Given this, it is remarkable that the convention continued to be so active and effective, and that the burghs continued to rely on it to the extent they did.

Conclusion

The convention of royal burghs is worth studying in its own right, as a unique institution key to the government and trade of urban Scotland. However, studies such as Pagan's which focus simply on the convention itself seem to miss something. Its activity gives fascinating insights into the government of Scotland as a whole and into the wider economic picture of the later seventeenth century. Given this, it is to be hoped that its scant treatment in most of the historiography of Scotland, or even of European urban history, can be redressed.

There is no question that writing off the convention in the period after 1651 is somewhat presumptuous. It is, however, understandable that it has happened, given the other assumptions made about Scottish history in the period. In 1991, David Stevenson wrote about the need for more scholarly research into Scotland in the seventeenth century, noting the fact that both unionists and nationalists tended to see it negatively. It was either the 'twilight before night', the century in which the descent into the 'long black night of Union' began, or the 'darkness before dawn', when the country's backwardness became ever more pronounced before the Union of 1707 brought about 'everything credible in eighteenth-century Scotland'.¹ Thankfully this void in Scotland's history is steadily being filled. Yet because the seventeenth century has been largely written off, the convention in that century was also written off. Even the burst of interest in it in the first quarter of the twentieth century tended to cast aspersions on its usefulness and efficacy in the seventeenth century.

¹ Stevenson, 'Twilight before night or darkness before dawn?', 38-40.

Some of the other assumptions about the post-1651 period also explain the habit of writing off the convention. Scotland was initially under foreign occupation, entirely under the sway of the English regime, and thus the convention could have no influence, even though it survived. After the Restoration, the crown held almost absolute power, ruling from London with a parliament which rubber-stamped its wishes. With such a top-down system, there would be little place for the convention to retain any influence. Again these underlying assumptions have been challenged, as the introduction shows, and as the convention is released from their strictures it provides further evidence to show that the assumptions are short of the mark.

Considering the fact that the government of Scotland has been portrayed as being dominated by the English in the 1650s and the absolutist tendencies of the crown, from London after the Restoration, it is a little odd that the Interregnum has been viewed as exactly that: an interregnum, an anomalous period, between the Covenanting period and the Restoration. Even under the traditional assumptions, the links between the Interregnum and the Restoration seem self-evident. Though the extent of the dominance of government in London can be challenged, the convention provides many links between the two periods. The 1650s saw an unprecedented level of control exerted by the regime over the convention's activities and, throughout the decade, it was absolutely clear that it could only continue to meet at the regime's pleasure. It was to the convention's credit that, despite some interruptions, it was allowed to continue to meet. Individual corporations, however, did not have freedom over their elections, as only those willing to cooperate with the regime could hold office, and this would inevitably have an impact on the convention.

Although after the Restoration there was little direct threat to the convention's ability to meet – only being prevented from doing so on one occasion – the type of restrictions on elections seen under the English regime were seen throughout the period. As Lauderdale's influence over the burghs was lost in 1679, central intervention increased beyond what had been attempted in the 1650s. As individual corporations were manipulated to ensure loyalty to the crown, the convention would take on a more royalist complexion, as the crown sought to make the burghs acquiescent to the crown's wishes and to provide a safe vote in parliament.

Incidentally, the parallels between the interference in the Scottish burghs and English towns in the period are striking, perhaps showing the folly of past failures to consider more genuinely 'British' history. If anything, at least until James's reign, the attitude towards English towns showed more absolutism than that towards the Scottish burghs, which is fascinating given the accepted view that, in general, Scotland was ruled more absolutely. Again here the convention can shed light on this, as its existence probably prevented higher levels of interference earlier in the period.

In terms of the crown's desire to create a safe burgh vote in parliament, the reality was, of course, not so straightforward. There was little opposition in the convention to the English regime in the 1650s, with the combination of sympathetic commissioners, concessions to the burghs and the threat of further direct action against the convention enough to ensure its loyalty. This did not of course mean that it did not try to influence policy for its own ends, and it was prepared to challenge some of the decisions the regime made. If the convention's opposition is used as a gauge, it seems that occupation was a more absolute form of government than that imposed at the Restoration. The burghs certainly sought to demonstrate their loyalty but were not

always prepared to simply lie back and allow their interests and privileges to be overridden. While the convention seems to have recognised its limits – rightly or wrongly – and decided not to protest against certain things, such as the increasing electoral interference in the 1680s, it often campaigned against prejudicial legislation and in 1673 and 1685-6 joined the opposition against the crown. It was clearly an important part of parliament as far as both crown and opposition were concerned, and was even able to muster support for its own legislative agenda. Though its failure to protest in 1672 against the greatest attack to the burghs' trading rights is striking, it perhaps reflects the convention's recognition of its limits. Rather than attack the act directly, it used the opposition to Lauderdale and Sir Andrew Ramsay in 1673, and to the crown in 1674, to express its anger at the 1672 act and to raise its desire for its repeal.

This willingness to act against the crown may have contributed to the revival, under James, of a tactic used in the 1650s, combining repression and concession. While James was willing to take direct action to get those he favoured (and who favoured him) onto burgh councils, he recognised that this had the potential of simply fostering more opposition. As the English had given concessions to the burghs, so James attempted to do, particularly in his attempts to aid their cause against the 1672 act. When this failed to secure the toleration of Catholicism he desired, the repression of electoral freedom deepened – yet James still offered concessions to the burghs, such as over their right to choose a conservator. The influence of the burghal estate throughout the period was such that, except in the early 1650s as the English regime sought to settle the government of Scotland, governments recognised that the convention could not simply be trampled down.

One of the reasons the convention was allowed to continue to meet in the 1650s was that the English recognised its expertise as it sought to improve trade and, even though the final say in matters of trade had passed out of Scottish hands, it wielded a significant amount of influence in this area. The English needed the convention if they were to rule effectively on matters of trade in Scotland while continuing in their aim of reducing the power of the nobility.² After the Restoration the English Navigation Acts and the Scottish ‘act asserting his majesties prerogative in the ordering and disposall of trade with forraigners’ meant that this removal of control was at least continued, if not furthered. Yet the convention’s influence told on a number of pieces of trade-related legislation. Any hope that it may have had, given this legislative success, of dominating Scotland’s trade agenda was finally dashed when the 1672 act indicated that the landed classes had matched the power to dominate with a desire to do so.

It is possible that the nobility were reacting against the burghs’ strengthened position in the 1650s. In this case, the relatively high level of influence the convention held under the English regime may actually have led to a long-term weakening of its position. The resurgent nobility occasionally acknowledged the burghs’ influence in parliament, courting their support in the opposition to Lauderdale, but generally they were overwhelming opponents of the burghs’ trade privileges. Even when the crown supported the removal of the 1672 act in the 1680s, it was maintained due to the power of the landed interest which had promoted it in the first place. The convention’s failure in this case, like its success in others, gives further evidence of the continuing strength of the Scottish parliament and the limitations of both Charles’s and James’s attempts at absolute rule, as recently demonstrated by MacIntosh and others.³

² Dow, *Cromwellian Scotland*, 26.

³ MacIntosh, *Parliament*, 222-4. See the Introduction, 3-4, for other examples of this position.

Another feature of both pre- and post-Restoration periods was the move of many burghs away from the convention towards central government in seeking aid. Although the convention was influential in trade matters under the English regime, it was losing influence in matters relating to individual burghs. As its position weakened after the Restoration, this trend increased. Central government took more control of impositions and contributions, and burghs sought government control in some areas as they would get more benefit than the convention could offer. Opposition from the landed classes may have contributed to it, but the economic condition of the burghs left the convention in a difficult position before assaults on the burghs' privileges after 1660. Because of the burghs' difficult financial situation, the convention could not get the resources to help them. So many burghs had economic difficulties that there were not enough in a healthy enough situation to be able to help. Of course, the economic condition of the burghs in the period was not uniform, though certain trends, and particularly increasing difficulties in the 1680s, are identifiable. This is an area which would certainly benefit from a dedicated study. The larger burghs were more likely to bypass the convention, probably because they could afford to, though Dundee is one example of a burgh which may simply have been too proud of its status to seek outside help. The smaller burghs, those least able to put resources into the convention, were also those which needed most assistance.

Just as the burghs were not in a uniformly bad condition, the ability of the convention to help was not uniformly poor. Perhaps the most surprising fact is that the move away from the convention in appeals for aid did not happen on a much greater scale, as many burghs continued to rely heavily on it despite the difficulties in getting help and the increased crown role. The level of reliance is clear in the fact that, despite the burghs' problems, only three made a serious attempt to resign their privileges – the fact that

two were prevented from doing so also provides further evidence of the convention's ability to resist parliament. Reactions to Edinburgh's position within the convention also indicate the continued importance of it for the burghs. If they were losing faith in the convention, they would not have been so concerned about how Edinburgh was acting as it bore the brunt of the responsibility and cost of its leading role. Incidentally, during the Interregnum and after the Restoration, the government recognised Edinburgh's dominant position and interfered more in its internal affairs than those of any other burghs, partly as a means of controlling the estate. This was not always successful, as the removal of Ramsay showed, because while the burghs valued Edinburgh's role and relied on the capital to a great deal, they policed its position carefully.

The situation over burgh appeals highlights a paradox for the convention. It was able to help the burghs politically, as it gained and shaped favourable legislation. Even considering acts which prejudiced the burghs, without a united voice it is likely that they would have been far more vulnerable to assaults on their privileges by landowners. This probably contributed to the fact that more burghs did not go to the crown to seek aid. Given this, the burghs continued to attend parliament in large numbers, and continued to meet together as an estate during parliament. The convention was losing control over the composition of the estate as the crown summoned eight burghs to parliament before they had been enrolled by the convention. Yet these burghs sought enrolment, recognising, with the other burghs, the value in united action in parliament. In many cases before parliament and the crown, the convention and those to which it appealed considered it better to have appeals from the convention rather than multiple appeals, which could only be effective if the convention was viewed by both sides as representative.

Yet, while helping the burghs politically, the convention probably hindered their economic development. The monopolistic trade agenda it pursued may have actually prevented the burghs from improving their condition, as they struggled to compete in trade. It was caught between the rock of its own monopolistic agenda and the hard place of the noble opposition, two problems which were inextricably linked. The first exacerbated the second, which in turn caused the convention to fight harder to maintain and then restore its monopoly. Because of its own political success, therefore, the convention could not respond so effectively to the needs of individual burghs, which further exacerbated their problems. The landowners were less likely to want to cooperate in trade with an intransigent burghal estate, so focused on creating their own market centres rather than supporting or even investing in the existing ones, an issue which might be made clearer by further study into the interaction between individual burghs and the landed classes. Not only this, but the convention's resistance to greater economic openness may have contributed to the trend of landowning encroachments on burghs' lands and jurisdictions, against which the convention was very active and quite successful in defending.

Perhaps equally damaging, merchants (notably from Edinburgh and Glasgow) responded to the convention's adherence to its trade agenda, and refusal to consider a more liberal policy, by bypassing the convention and themselves trading through unfree burghs, and also trading through other royal burghs and damaging these burghs' own trade. Landowners still needed the merchants in trade, and merchants were willing to undermine their own representative body when it suited them. This raises another issue about the burghs' economic condition which would benefit from further study. The fact that Dundee, a more important trading burgh, had a smaller common good income than Perth indicates that the wealth of a burgh as a corporation is not equal to

the wealth of a burgh as an economic unit, in the trade in which its inhabitants were engaged. Some burghs saw relatively healthy trading activity, yet the corporations were struggling and the convention may actually have contributed to this problem.

It is possible that, had the convention not been such a strong advocate for the continued privileges of the royal burghs in trade, and for their relative political freedom from the increasingly aggressive landed classes, this may have benefited the burghs in the long term. It has been argued that, as towns in England welcomed gentry intrusion into their political and economic life, they were able to gain a stronger political voice in parliament and also move forward economically, freed from the strictures of the old economic regulation.⁴ Of course the existence of the convention meant that Scottish burghs did not have the same difficulties in representation at a national level as the English towns, which did not have a united voice. Glasgow is also a possible example of how this rule does not always work. It has been argued that, for all its progress in the previous forty years and more, Glasgow's growth was restrained by its lack of freedom in elections and it was only on getting this freedom on the abolition of episcopacy in 1690 that it was really able to challenge Edinburgh's position as the leading burgh in Scotland.⁵ On the other hand, Glasgow already had a far more open socio-political structure than most burghs. The argument that urban independence, under the old restrictive political and economic structures, was to some degree incompatible with increasing trade and wealth, may well be applicable to Scotland. Perhaps taking a study of the burghs into the post-Revolution and post-Union periods would provide some answers, especially as it is already understood that the gentry were taking more of the burghs' parliamentary representation, partly due to

⁴ Clark & Slack, *English Towns in Transition*, 159.

⁵ McGrath, 'The medieval and early modern burgh', 57.

some burghs' inability to afford commissioners, after the Revolution.⁶ Until that is done, it can be but speculated that, had the convention suffered more disadvantage in parliament and been unable to prevent more widespread invasion of the burghs by the landed classes, an openness may have been created that would have allowed the burghs to flourish.

While the convention may not have been entirely beneficial to the burghs in the long term, it did of course work in their immediate interests, given that without them it would not have existed at all. In this way, too much criticism should not be levelled at it as a body. It was the voice of the royal burghs, and while without it they may have been in a situation, like many English towns, which was more conducive to improving economic fortunes, giving up their freedoms was not on the agenda for the burghs, and thus was not on the agenda for the convention. However damaging this may have been, it served one crucial purpose: protecting the relative independence of its members. This may well have been incompatible with another purpose, furthering their trade, but it was to a large extent done successfully. It could not be entirely successful, and given the political reality of both the 1650s and the post-Restoration period, it would be extremely naïve to think that this was even possible. In the face of an occupying power, aggressive landowners and a crown seeking to increase the extent of absolute rule, the burghs did lose some of their freedoms. But the convention was a remarkably effective representative and advocate despite all this.

It was also remarkably resilient. It adjusted quickly to the entirely new situation of operating in an occupied country, displaying a vigour and effectiveness that belied the fact that it remained in existence only at the wish of the English regime. It sought to

⁶ D. J. Patrick, 'People and Parliament in Scotland 1689-1702', St. Andrews Ph.D. (2002), 107.

make the best of the situation for the burghs, and when the situation changed again it quickly adapted once again, making representations to the king from the earliest days of the Restoration. By the time of Charles II's first session of parliament, it was ready to coordinate the burghs' action and continued to do so throughout the next three decades. It clashed with the king spectacularly in 1674, but in general showed an intelligent expediency. It was quick to show loyalty and sought to ensure the favour of those in power for the burghs, but where necessary and possible it would fight even the royal will to secure the best for them. The claim in 1685 that the convention was 'now of little significancy' was neither true at that point nor at any other point in the period.⁷

⁷ Anon, *Memorialls for the Government of the Royall Burghs*, 107.

Appendix I: Appeals to the Convention¹

Table 1: Responses to appeals to the convention

	Grants Awarded	Visits Ordained ^c	Dues/Fines Discharged	Exemptions Granted ^e
1651-60	1 ^a	13	7	21
1661-70	5 ^b	0	6	22
1671-80	10	8	27	32
1681-88	14	13	89 ^d	20

^aOne further appeal rejected due to lack of common funds.

^bBurghs were asked to give a voluntary contribution in all cases in 1661-70 and one case in 1677.

^cOnly in relation to appeals based on poverty.

^dOnly nine burghs are named in this period. However, in July 1686, all fines for absence from the general conventions in 1684 and 1685 (with 58 burghs absent which were not previously excused) were discharged, largely due to poverty. In 1689, all 22 burghs absent from the 1688 general convention had their fines discharged and are thus included here.

^eAlmost entirely given for three years – in 1657 four were given for five years, in 1666 five for five years, and in 1680 one for one year.

Grants Awarded

[December 1658, Dumfries (no funds available, helped to appeal to council of state)]

July 1660, Whithorn

July 1669, Burntisland, Kinghorn, Culross, Forres, Nairn (burghs to give supply)

July 1671, Dornoch, Tain, Anstruther Easter, Inverurie

July 1675, Inverurie

July 1677, Whithorn (burghs to uplift voluntary contributions)

July 1678, Whithorn

July 1680, Linlithgow, Arbroath, North Berwick

July 1682, St Andrews, Dysart, Pittenweem, Wigtown

¹ Sources: *RCRBS*, iii, 358-674; *RCRBS*, iv, 1-88, 97.

July 1683, Arbroath, North Berwick

July 1684, Selkirk

July 1685, North Berwick

July 1686, Arbroath

July 1687, Renfrew

July 1688, Kirkcaldy, Montrose, Whithorn, Renfrew

Visits Ordained

October 1653, Arbroath

July 1654, Crail

July 1655, Inverness, Arbroath, Montrose, Queensferry, Forres, Tain, Lanark,
Dingwall, Whithorn

December 1658, Tain

July 1660, Nairn

July 1673, Ayr, Irvine, Dumfries, Pittenweem

July 1678, Anstruther Easter

July 1680, Kilrenny, Anstruther Wester, Cromarty

July 1682, Crail

July 1686, Dysart, Anstruther Easter

July 1687, Kirkcaldy, Montrose

July 1688, Glasgow, Ayr, Rutherglen, Inverness, Tain, Peebles, Irvine, Sanquhar

Missive Dues/Fines Discharged

July 1654, Dundee, Inverness, Elgin, Forres, North Berwick, Cullen

July 1655, Rothesay

February 1662, Ayr

July 1665, Sanquhar, Cullen

July 1670, Dornoch, Tain, Anstruther Easter

July 1675, Crail, Cupar, Kinghorn, Brechin, Tain, Banff, Forfar, North Berwick

October 1676, Glasgow, Cupar

July 1677, Forres, Arbroath, Dumfries, Dumbarton

July 1679, Stirling, Glasgow, Dumfries, Pittenweem

July 1680, Inverbervie, 8 unnamed burghs

July 1683, Selkirk, Dumbarton, Kirkcaldy

July 1685, Elgin, Banff, Kirkcudbright, Renfrew, Kirkwall

July 1686, 58 further burghs excused for absence from 1684 and 1685 conventions,
fines discharged

July 1687, Ayr, Irvine

July 1688, Dysart

July 1689, 22 burghs excused for absence from 1688 general convention, fines
discharged

Exemptions Granted

July 1654, North Berwick, Cullen, Rutherglen

July 1655, Dingwall, Whithorn (both for an undefined period), Nairn

July 1656, Tain, Cullen, Forres, Sanquhar, North Berwick, Dingwall, Kilrenny,
Pittenweem

October 1657, Elgin, Dingwall, Rothesay, Inverary (all for five years)

December 1658, Tain

July 1660, Tain, Nairn

March 1661, Rothesay

July 1664, North Berwick

July 1665, Cullen, Fortrose, Wick, Kintore, Inverurie, Nairn

August 1665, Dingwall, Banff, Tain

July 1666, Forfar, Rutherglen, Renfrew, Cromarty, Anstruther Wester (all for five years)

July 1669, Nairn, Forres, North Berwick, Cullen, Whithorn, Wick

July 1671, Irvine, Anstruther Easter, Anstruther Wester, Crail, Cromarty, Inverurie, Inverbervie

July 1673, Forres, Jedburgh

July 1675, Irvine, Selkirk, Forfar, Kintore, Inverurie, Rutherglen, Inverbervie

July 1676, Kirkcudbright, Lauder, Nairn, Dingwall, Tain, Cullen

July 1678, Kintore, Inverurie, Wick, Whithorn, Forres

July 1680, Sanquhar (one year), Dingwall, Nairn, Tain, Cullen

July 1681, Wick, Lauder, Kirkwall, Kintore, Inverurie

July 1682, Cullen, Tain, Forres, Inverbervie

July 1683, Nairn, Dingwall

July 1685, Forres, Kirkwall, Wick, Inverbervie

July 1686, Tain, Cullen

July 1687, Nairn

July 1688, Anstruther Easter, Kirkwall

Appendix II: Common Good Account Balances

Thirteen of the burghs in this sample were also used in the sample for the thesis, and have been selected for this appendix based on the quality of their treasurers' accounts.

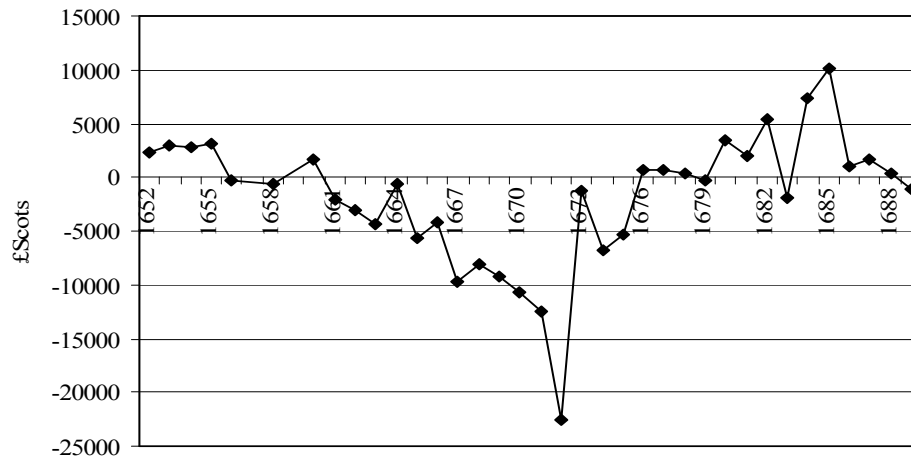
These records were combined with the treasurer's accounts in the National Archives of Scotland, from which source the remaining two burghs were chosen as those with the fullest accounts recorded there.

Figures in brackets represent debt totals recorded in accounts.

Aberdeen¹

1651-2: +£2370 0s 6d.	1670-1: -£12538 12s 11d.
1652-3: +£3000 16s 5d.	1671-2: -£22625 14s 5d.
1653-4: +£2836 16s 1d.	1672-3: -£1186 3s 4d.
1654-5: +£3115 16s 9d.	1673-4: -£6866 18s 3d.
1655-6: -£303 1s 11d.	1674-5: -£5360 8s 11d.
	1675-6: +£612 15s 2d.
1657-8: -£601 11s 5d.	1676-7: +£666 3s 9d.
	1677-8: +£433 17s 5d.
1659-60: +£1616 8s 11d.	1678-9: -£219 19s 11d.
1660-1: -£2139 6s 9d.	1679-80: +£3434 4s 5d.
1661-2: -£3123 12s 4d.	1680-1: +£1977 12s 10d.
1662-3: -£4379 17s 2d.	1681-2: +£5343 2s.
1663-4: -£604 1s.	1682-3: -£1955 6s 2d.
1664-5: -£5594 13s 4d.	1683-4: +£7293 4s 11d.
1665-6: -£4256 9s 10d.	1684-5: +£10072 18s 5d.
1666-7: -£9681 17s 7d.	1685-6: +£1028 3s 7d.
1667-8: -£8015 13s 1d.	1686-7: +£1623 5s 5d.
1668-9: -£9301 17s 5d.	1687-8: +£380 14s 4d.
1669-70: -£10731 9s 11d.	1688-9: -£1159 17s 9d.

¹ ACA, 10/6, Treasury Accounts, vols. i³-ii.

Figure 1: Aberdeen Common Good Balances**Ayr²**

1656-7: +£41 13s 2d.

1673-4: -£578 2s 4d.

1661-2: +£175 14s 0d.

1674-5: +£976 9s 6d.

1662-3: +£418 7s 4d.

1675-6: +£750 3s 8d.

1663-4: -£49 6s 6d.

1676-7: -£53 16s 6d.

1664-5: +£49 17s 9d.

1677-8: -£342 10s 6d.

1665-6: +£28 4s 7d.

1678-9: -£410 18s 7d.

1666-7: +£26 18s 10d.

1679-80: -£603 18s.

1667-8: +£88 0s 10d.

1680-1: -£39 5s.

1668-9: +£77 11s 8d.

1681-2: +£10 14s 6d.

1669-70: +£67 13s 2d.

1682-3: -£1208 15s 8d.

1670-1: +£595 4s 6d.

1683-4: +£86 7s 8d.

1671-2: +£582 15s 3d.

1685-6: -£7.

1672-3: -£60 11s 1d.

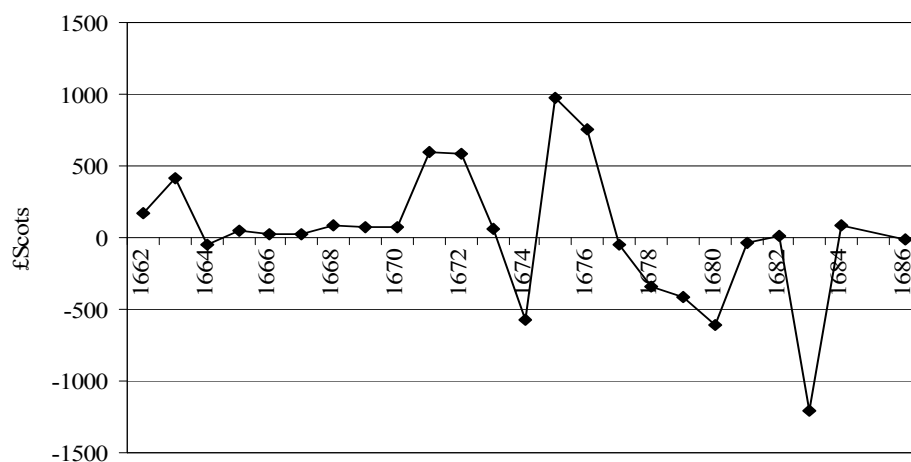
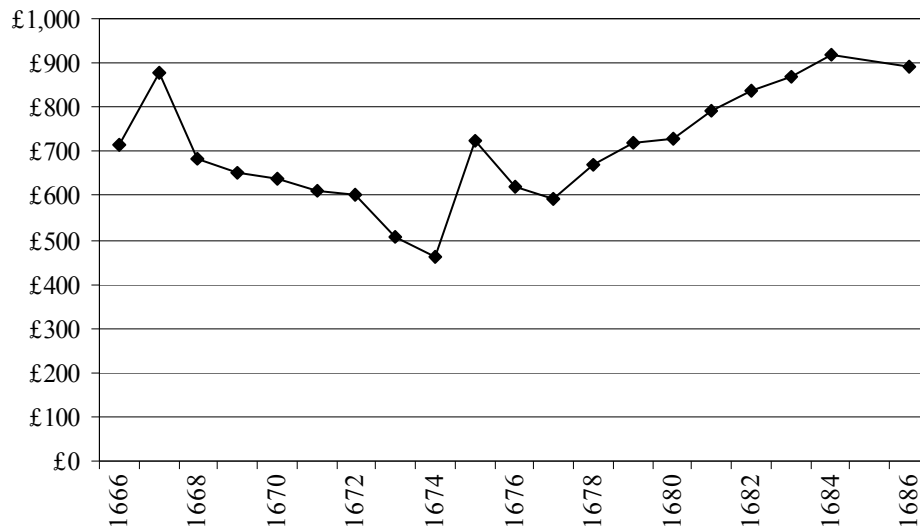
Figure 2: Ayr Common Good Balances² AAC, Ayr Accounts etc., B6/37/1.

Figure 3: Tack of Ayr's Common Good (items relating to trade)**Brechin³**

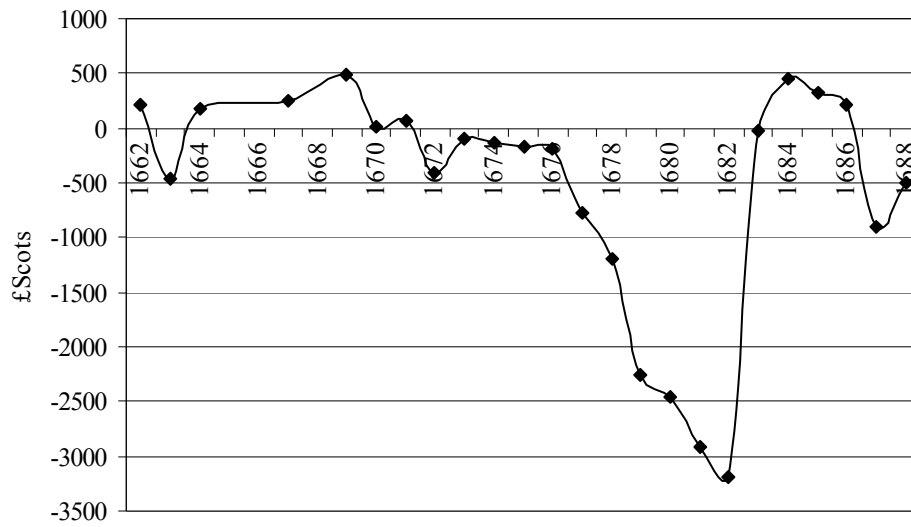
1661-2: £0.	1673-4: -£214 18s 2d.
1662-3: £0.	1674-5: +£105 8s 2d.
1663-4: -£60 1s 10d.	1675-6: +£91 5s 4d.
1664-5: £0.	1676-7: -£1 5s.
1665-6: +£66 14s 2d.	1677-8: +£97 8s 3d.
1666-7: +£14 18s 11d.	1678-9: -£196 7s.
1667-8: £0.	1679-80: -£51 7s 11d.
1668-9: +£2 15s.	1680-1: -£98 7s 11d.
1669-70: +£59 14s.	1681-2: -£170 7s 7d.
1670-1: +£97 7s 8d.	1682-3: -£159 17s 1d.
1671-2: +£64 11s 8d.	1683-4: -£126 1s 9d.
1672-3: +£15 12s 4d.	

Dumbarton⁴

1661-2: +£216 5s 2d.	1675-6: -£196 9s 5d.
1662-3: -£461 19s 10d.	1676-7: -£774 19s 11d.
1663-4: +£176 3s 8d.	1677-8: -£1200 3s 4d.
	1678-9: -£2250 19s 6d.
1666-7: +£250 1s 7d.	1679-80: -£2466 1s 10d.
	1680-1: -£2909 1s 3d.
1668-9: +£480 10s 3d.	1681-2: -£3185 9s 6d (£4824 2s 10d).
1669-70: +11s 8d.	1682-3: -£20 0s 7d (£5850 6s 8d).
1670-1: +£75 17s 4d.	1683-4: +£450 2s.
1671-2: -£407 14s 9d.	1684-5: +£321 1s 3d (£4953 2s 11d).
1672-3: -£98 16s.	1685-6: +£208 6s 6d (£6260).
1673-4: -£128 5s 7d.	1686-7: -£893 10s 3d (£7618).
1674-5: -£175 2s 3d.	1687-8: -£506 3s 5d.

³ NAS, Common Good Accounts etc: Brechin, E82/8/1-24.

⁴ WDA, Dumbarton Council Records, 1/1/3-4.

Figure 4: Dumbarton Common Good Balances**Dumfries⁵**

1654-5: +£154 13s.

1655-6: -£6 14s 7d.

1656-7: +£161 2s.

1657-8: +£576 17s 4d.

1658-9: +£525 3s 8d.

1660-1: -£100.

1661-2: -£100.

1662-3: +£24 5s 8d.

1667-8: -£724 17s.

1670-2: +£1064

1672-3: +£1009 6s.

1673-5: +£771.

1675-6: +£700.

1676-7: +£29.

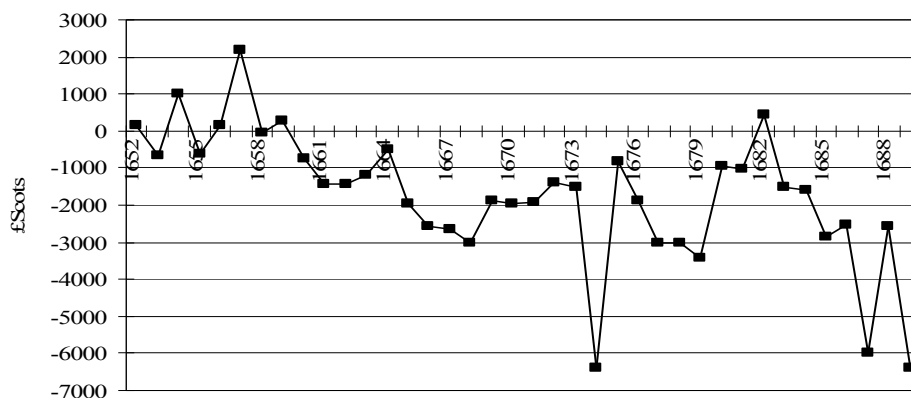
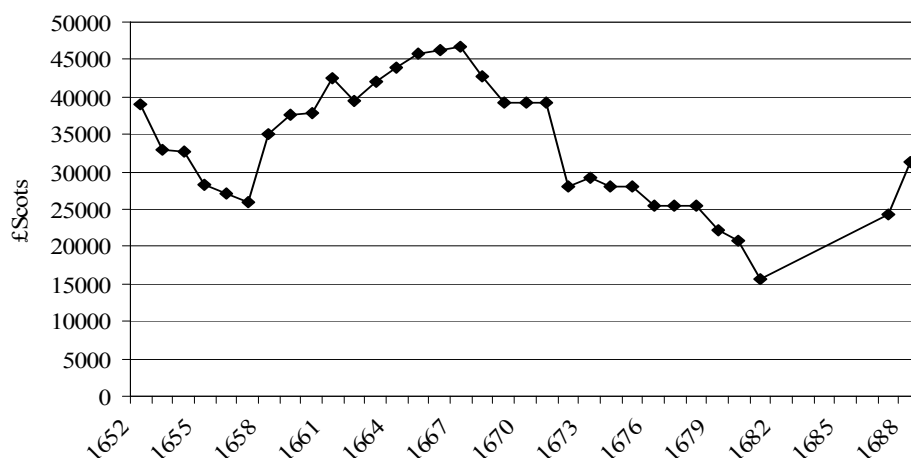
1677-8: -£1161 6s 8d.

1687-8: -£268 12s.

⁵ DAC, Dumfries Treasurers' Accounts, GG2/13/13-14, GG2/14/4-6; Dumfries Council Books, WA2/2-4.

Dundee⁶

1651-2: +£155 2s 6d.	1670-1: -£1911 2s 6d (£39328 13s 4d).
1652-3: -£673 14s 8d (£38966 13s 4d).	1671-2: -£1381 6s 8d (£39328 13s 4d).
1653-4: +£999 15s 11d (£32866 13s 4d).	1672-3: -£1502 4s 2d (£28012).
1654-5: -£616 7s 7d (£32792).	1673-4: -£6390 12s 10d (£29133 6s 8d).
1655-6: +£164 6s (£28326 13s 4d).	1674-5: -£840 18s (£28133 6s 8d).
1656-7: +£2198 13s 1d (£26989 6s 8d).	1675-6: -£1870 8s 2d (£28133 6s 8d).
1657-8: -£40 3s 4d (c.£26000).	1676-7: -£3034 14s 4d (£25466 13s 4d).
1658-9: +£288 16s 2d (£35133 6s 8d).	1677-8: -£3015 3s 2d (£25466 13s 4d).
1659-60: -£754 17s 6d (£37666 13s 4d).	1678-9: -£3434 8s (£25466 13s 4d).
1660-1: -£1449 (£37933 6s 8d).	1679-80: -£940 17s (£22133 6s 8d).
1661-2: -£1430 1s 2d (£42430).	1680-1: -£1029 13s 10d (£20800).
1662-3: -£1196 4s 8d (£39440).	1681-2: +£451 6s 6d (£15134 13s 4d).
1663-4: -£510 4s 5d (£42003 6s 8d).	1682-3: -£1508 4s 4d.
1664-5: -£1958 9s 4d (£43865 6s 8d).	1683-4: -£1580 5s 6d.
1665-6: -£2561 (£45798 13s 4d).	1684-5: -£2841 4s.
1666-7: -£2650 6s 9d (£46198 13s 4d).	1685-6: -£2534 7s 7d.
1667-8: -£2997 14s 6d (£46678 13s 4d).	1686-7: -£5974 5s 7d.
1668-9: -£1869 19s (£42662 13s 4d).	1687-8: -£2553 7s 4d (£24400).
1669-70: -£1943 12s 4d (£39328 13s 4d).	1688-9: -£6384 13s (c.£31200).

Figure 5: Dundee Common Good Balances**Figure 6: Dundee Debt**⁶ DCA, Treasurer's Account Book 1646-96.

Edinburgh⁷

[Debt in 1650: £622046].

1651-2: +£20 11s 2d.

1652-3: -£5501 7s 4d.

1653-4: -£4433 8s 2d.

1654-5: -£6160 9s 4d.

1655-6: -£195 3s 6d.

1656-7: -£7666 4s 3d.

1658-9: -£1792 18s 10d.

[Debt in 1660: £708327].

1660-1: -4s 4d.

1662-3: +£3624 1s 8d.

1663-4: -£22 12s 3d.

1664-5: -£782 7s 10d.

1665-6: +£1400.

1666-7: +£622 8s 4d.

1667-9: +£168 12s 8d.

1669-71: +£3959 17s.

1671-3: +£2630 0s 11d.

1673-4: +£6614 15s 10d.

1674-5: -£12071 9s.

1675-6: -£3568 16s.

1676-7: -£7095 2s 1d.

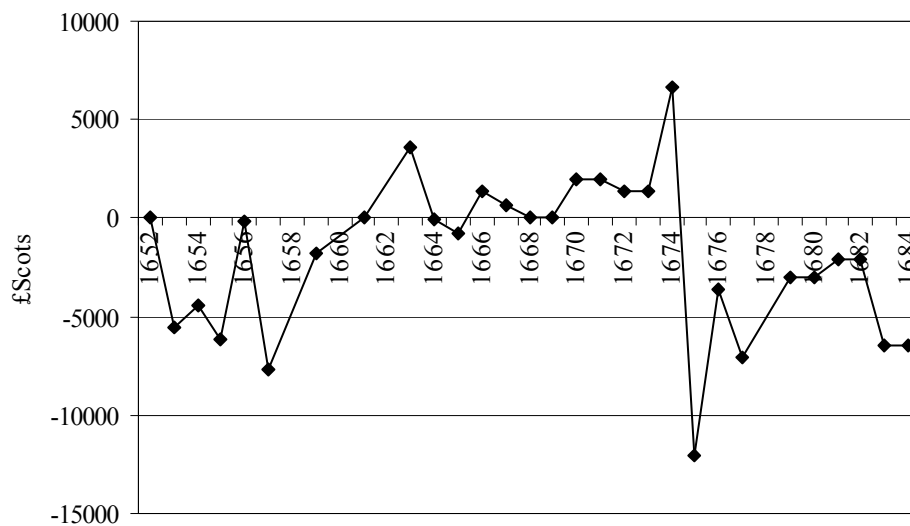
[Debt in 1677: £439559 1s 4d].

1678-80: -£6069 19s 7d.

1680-2: -£4092 6s.

1682-4: -£12981 10s 11d.

1686-8: -£5090 19s 4d.

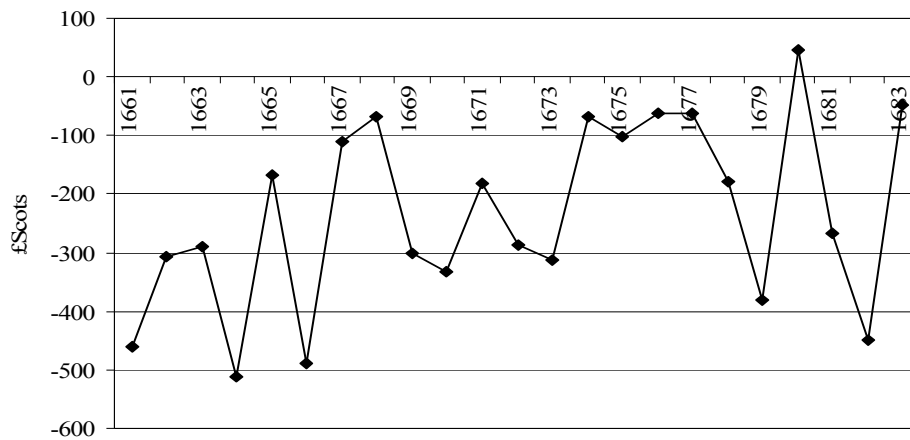
Figure 7: Edinburgh Common Good Balances

⁷ *Edin. Recs.*, 1642-1655, 1655-1665, 1665-1680, 1681-1689, 1689-1701.

Elgin⁸

1661: -£459 19s 6d.
 1662: -£307 18s 10d.
 1663: -£288 18s 10d.
 1664: -£510 9s.
 1665: -£166 2s 4d.
 1666: -£489 15s 8d.
 1667: -£111 12s 2d.
 1668: -£67 12s 2d.
 1669: -£301 12s 2d.
 1670: -£333 15s 2d.
 1671: -£182 14s 2d.
 1672: -£287 14s 8d.

1673: -£313 12s 8d.
 1674: -£69 5s.
 1675: -£100 19s 10d.
 1676: -£63 9s.
 1677: -£61 5s 6d.
 1678: -£179 18s 2d.
 1679: -£380 9s.
 1680: +£44 17s 6d.
 1681: -£266 16s 2d.
 1682: -£447 19s 6d.
 1683: -£49 1s 10d.

Figure 8: Elgin Common Good Balances**Forfar⁹**

1658-9: +£135 5s 10d.
 1659-60: +£13 12s 10d.
 1660-1: -£1 4s 10d.
 1661-2: -£36 1s 6d.
 1662-3: -£53 8s 5d.
 1676-7: -£110 6s 8d.

1679-80: -£28 0s 4d.
 1680-1: -£3 19s 6d.
 1683-4: -£58 16s 10d.
 1684-5: -£210 13s 8d.
 1685-6: -£170 14s 4d.
 1687-8: -£67 14s 4d.

⁸ NAS, Common Good Accounts etc: Elgin, E82/23.

⁹ AA, Forfar Town Council Minute Books, F1/1/1-2; Forfar Treasurers' Accounts, F5/1.

Glasgow¹⁰

April-September 1652: +£634 12s 8d.

1652-3: +£345 13s 10d.

1654-5: +£892 14s 6d.

1655-6: -£637 10s.

1656-7: -£67 18s.

1657-8: -£1595 9s 4d.

1658-9: +£311 1s 11d.

1659-60: +£1758 3s 5d.

1661-2: +£589 8s 10d.

1662-3: +£190 2s.

1663-4: +£1559 16s 9d.

1664-5: -£283 5s 1d.

1665-6: -£15 10s 5d.

1666-7: +£1008 13s 3d.

1667-8: +£1767 2s 8d.

1668-9: +£931 19s.

1669-70: +£1610 4s 11d.

1670-1: -£1267 14s 10d.

1671-2: -£3935 0s 6d.

1672-3: +£47 5s 8d.

1673-4: +£1161 8s 2d.

1674-5: -£1588 4s 8d.

1675-6: +£88 8s.

1676-7: +£145 6s 6d.

1677-8: +£570 1s 8d.

1678-9: +£521 4s 10d.

1679-80: -£2246 10s 6d.

1680-1: +£819 12s.

1681-2: -£1928 15s.

1682-3: +£783 9s.

1683-4: -£255 18s 10d.

1684-5: +£311 12s 4d.

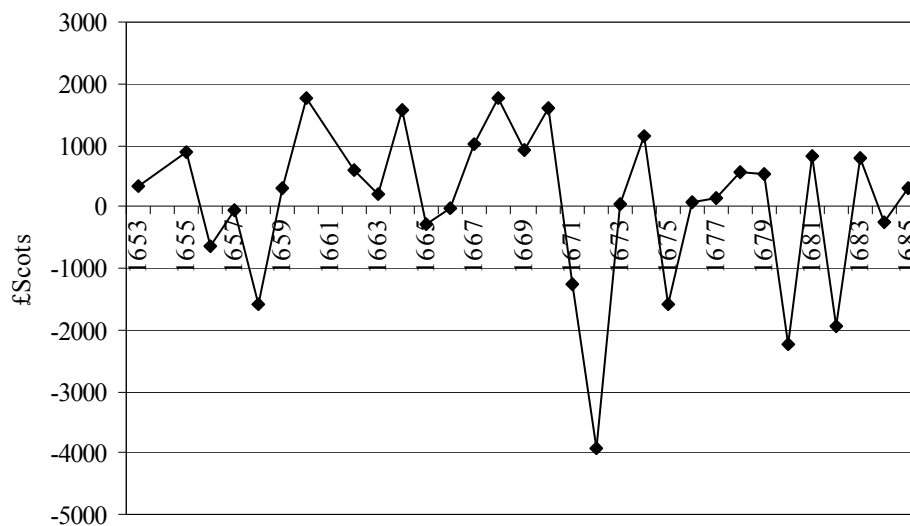
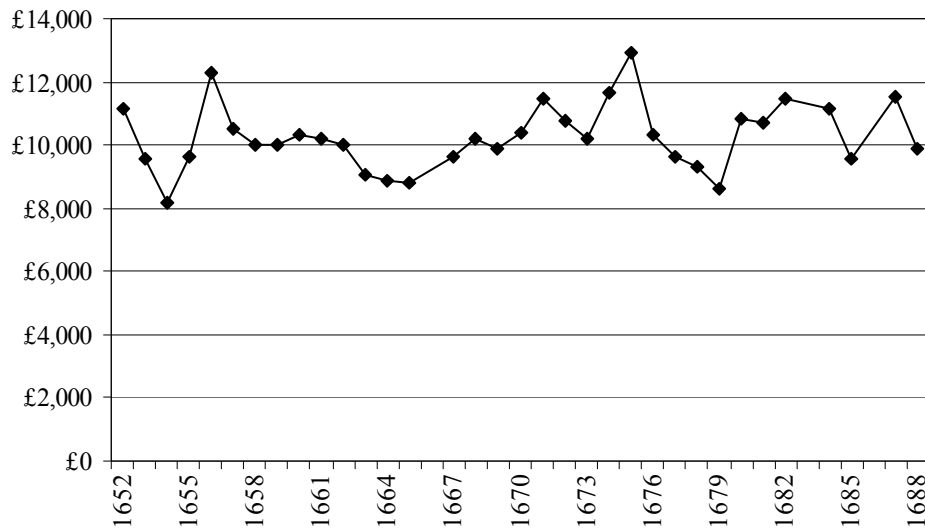
Figure 9: Glasgow Common Good Balances¹⁰ GCA, Council Minute Books, C1/1/12-7; *Glas. Recs.*, 1630-1662, 1663-1690.

Figure 10: Tack of Glasgow's Common Good (items relating to trade)**Montrose¹¹**

1655-6: £0.

1657-8: -£51 10s 6d.

1658-9: +£39 9s.

1661-2: -£86 14s 6d.

1662-4: +£551 1s 4d.

1665-7: +£26 4s 9d.

1667-8: +£228 10s 3d.

1668-9: +£61 3s.

1669-70: -£393 10s 2d.

1670-1: -£35 5s 2d.

1671-2: -£270 16s.

1672-3: -£280 14s 2d.

1673-5: -£499 4s 8d.

1680-1: -£628 12s 8d.

1681-2: -£327 10s 1d.

1682-3: -£670 9s 11d.

1683-4: -£958 8s 2d.

1685-6: -£375 6s 11d.

1688: -£681 17s 11d.

Peebles¹²

1662-3: -£41 5s.

1663-4: -£200 11s 8d.

1666-7: -£315 18s 4d.

1668-9: -£324 5s.

1669-70: -£427 5s.

1675-6: +£1988 8s 8d.

1679-80: +£1288 9s.

1680-1: +£1112 1s.

1681-2: +£1344 14s 10d.

1682-3: +£1386 12s 10d.

1683-4: +£299 7s 2d.

1684-5: +£728 10s 8d.

1685-6: +£280 19s.

1686-7: +£527 8s 4d.

1687-8: +£860 2s 10d.

1688-9: +£1322 5s 6d.

¹¹ AA, Montrose Council Books, M1/1/2-3; Montrose Treasurers' Accounts, M3/2.¹² NAS, Common Good Accounts etc: Peebles, E82/45; Peebles Council Minutes, B58/13/2-3; Peebles Accounts (Bundle 2), B58/17/16.

Perth¹³

1654-5: -£1057 16s 4d (£28124 13s 4d).	1673-4: -£3338 3s 5d (£67733 6s 8d).
1655-6: -£2078 5s 2d (£28562).	1674-5: -£1441 2s 11d (£71833 6s 8d).
	1675-6: -£1325 18s 6d (£82903 6s 8d).
1660-1: -£1911 3s (£40219 6s 8d).	1676-7: -£2883 14s 1d (£77633 6s 8d).
1661-2: -£1809 8s (£28066 13s 4d).	1677-8: -£1228 12s (£72566 13s 4d).
1662-3: -£1425 6s 7d (£45478).	1678-9: -£414 12s 8d (£68833 6s 8d).
1663-4: -£884 11s 7d (£51391 6s 8d).	1679-80: -£1021 8s 5d.
1664-5: -£1770 9s 5d (c.£56466 13s 8d).	1680-1: -£190 6s 4d.
1665-6: +£1024 14s.	
1666-7: -£343 12s 11d.	1682-3: -£229 15s 6d.
1667-8: -£450 2s 3d.	1683-4: -£194 10s 5d (£55300).
1668-9: +£1168 1s 8d (£48600).	1684-5: -£667 19s 5d (£52008).
1669-70: +£2153 8s 6d.	1685-6: -£1031 3s (£53275 6s 8d).
1670-1: +£3202 8s (£61733 6s 8d).	1686-7: -£2303 5s 10d (£55858 13s 4d).
1671-2: +£239 4s 8d (£62466 13s 4d).	1687-8: -£3021 19s 2d (£51008 13s 4d).
1672-3: -£749 17s 3d (£64466 13s 4d).	

St Andrews¹⁴

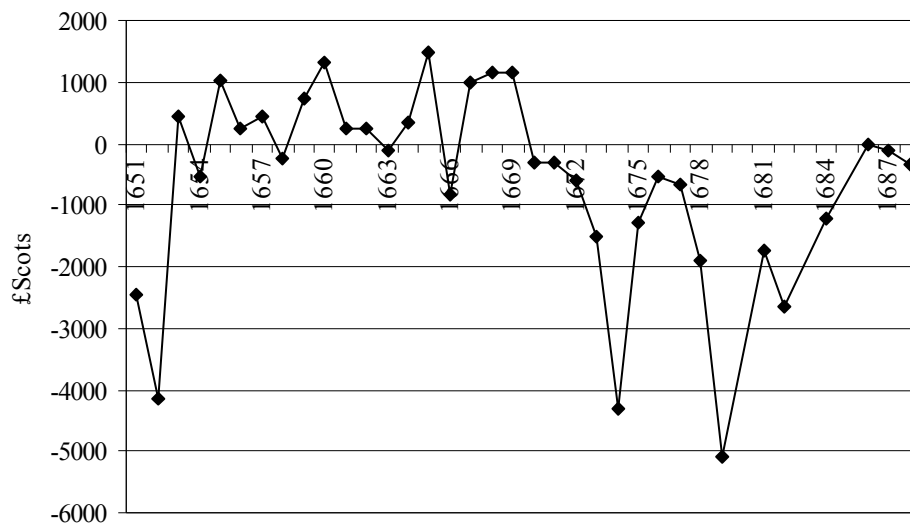
[May 1666]: -£157 18s 3d.	1673-4: -£18 10d.
[June 1670]: -£68 16s 6d.	1674-5: +£9 12s 4d.
[September 1670]: +£95 17s 2d.	1675-6: +£812 19s.
	1676-7: +£108 14s 10d.
1664-5: -£2 7s 6d.	
	1679-80: +£21 6s 2d.
1666-7: -£49 10s 6d.	1680-2: +£634 7s 10d.
	1682-4: +£369 10s 10d.
1669-70: +£42 6s 4d.	1684-6: +£583 17s 4d.
1670-2: -£25 3s 1d.	

¹³ PKA, Perth Treasurers' Accounts B59/19 & B59/25/4/2; Perth Town Council, B59/16/8-10.

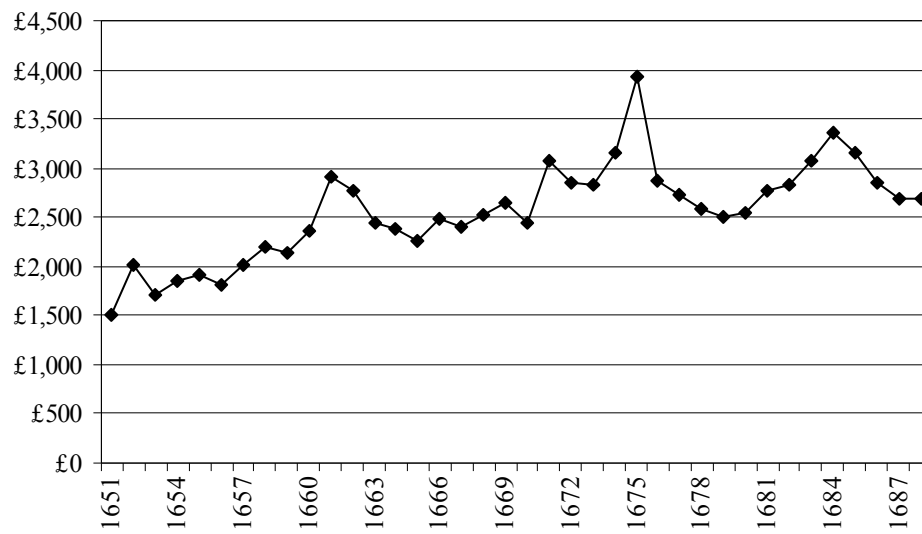
¹⁴ SAUA, St Andrews Council Minutes, B65/11/1-2.

Stirling¹⁵

1650-1: -£2443 17s 8d.	1670-1: -£307 17s (£22200).
1651-2: -£4145 11s 8d.	1671-2: -£600 6s 4d (£21133 6s 8d).
1652-3: +£424 18s 2d.	1672-3: -£1518 7s 10d (£20200).
1653-4: -£542 18s 8d.	1673-4: -£4306 2s 4d (£20866 13s 4d).
1654-5: +£1009 7s 2d (£25000).	1674-5: -£1299 5s 4d.
1655-6: +£238 5s 4d (£26400).	1675-6: -£525 3s (£23900).
1656-7: +£428 6s 10d.	1676-7: -£663 14s 4d (£23566 13s 4d).
1657-8: -£254 4s 4d.	1677-8: -£1905 9s 5d (£23900).
1658-9: +£718 2d.	1678-9: -£5083 12s 4d (£25100).
1659-60: +£1309 13s 10d.	
1660-1: +£249 4s (£18200).	1680-1: -£1731 9s 6d.
1661-2: +£230 3s 8d.	1681-2: -£2654 4s 4d.
1662-3: -£99 12s 7d.	
1663-4: +£326 10s 9d (£22200).	1683-4: -£1223 1s.
1664-5: +£1472 12s 11d (£22866 13s 4d).	
1665-6: -£827 10s 6d (£22200).	1685-6: -£11 16s 8d.
1666-7: +£1003 10s 10d.	[Debt in 1686: £55588 14s 8d].
1667-8: +£1150 16s 1d (£23133 6s 8d).	1686-7: -£120 0s 4d.
1668-9: +£1155 2s 5d (£22200).	1687-8: -£330 0s 2d.
1669-70: -£314 12s 10d (£24133 6s 8d).	

Figure 11: Stirling Common Good Balances

¹⁵ SCA, Burgh Treasurers Accounts: B66/23/1 (1634-1720); Council Records B66/20/4-6; NAS, Common Good Accounts etc: Stirling, E82/55/5; *Stir. Recs.*, 1519-1666, 1667-1752.

Figure 12: Tack of Stirling's Common Good (items relating to trade)

Appendix III: Conventions and Absentees¹

Figure 13: Absentees from general conventions, by proportion

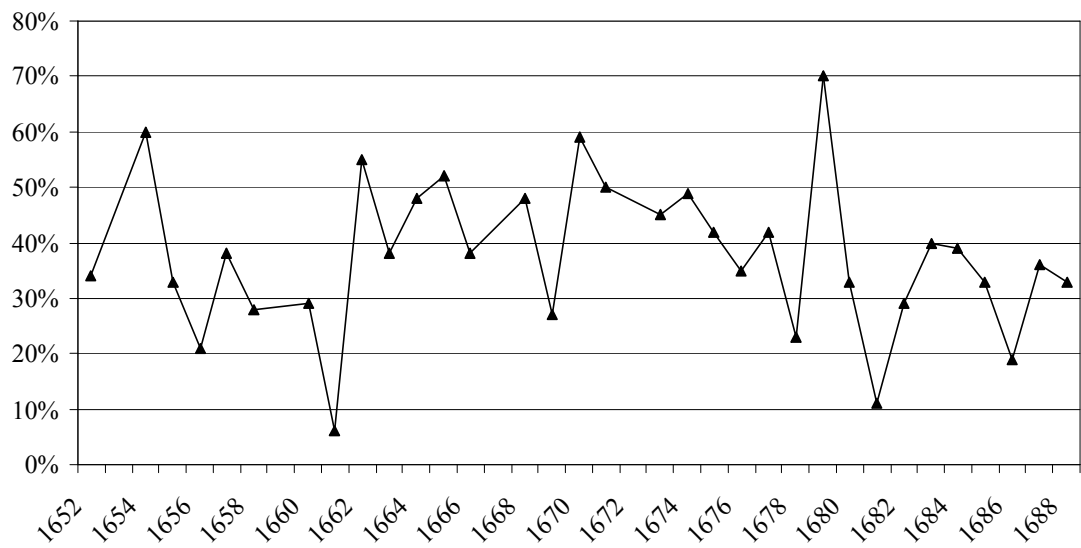
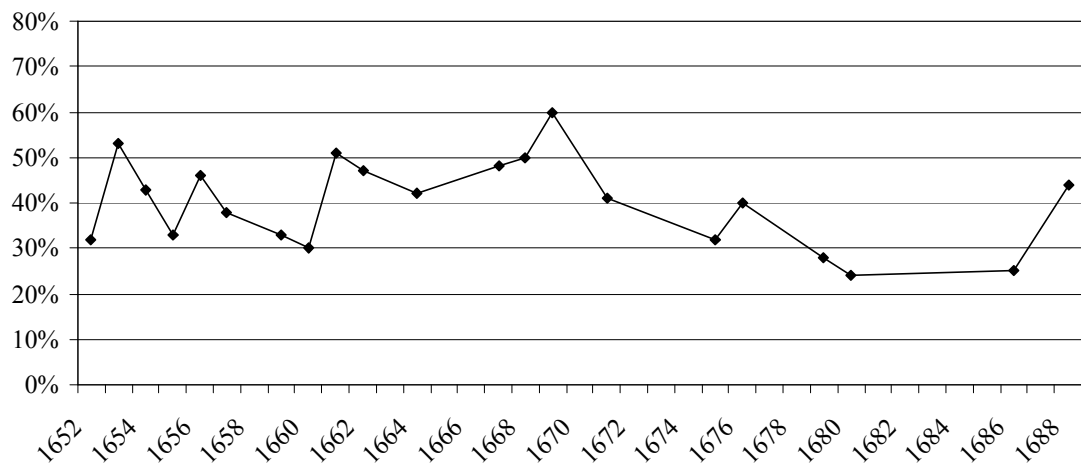


Figure 14: Absentees from particular conventions, by proportion



Notes:

Unless otherwise stated, meetings were held in Edinburgh.

Meetings in bold are conventions of all the burghs, and thus counted as general conventions, even if named in the minutes as particular conventions.

When multiple conventions were held in one year, they are counted together in the graphs.

¹ RCRBS, iii, 358-674; RCRBS, iv, 1-88.

1651 58 burghs enrolled.

1652 general convention (August)

20 burghs absent.

Particular convention (November-December)

19 burghs called, 6 absent.

1653 particular convention (October)

30 called, 16 absent.

1654 particular convention (March)

12 called, 5 absent.

General convention (July)

35 blank.

Particular convention (August)

16 called, 8 absent.

Particular convention (November)

16 called, 6 absent.

1655 particular convention (February)

17 called, 5 absent.

General convention (July)

19 absent.

Particular convention (December)

16 called, 6 absent.

1656 general convention, Haddington (July)

12 absent.

Particular convention (July)

14 called, 2 absent.

Particular convention (August)

20 called, 10 absent.

Particular convention (August)

20 called, 7 absent.

Particular convention (October)

20 called, 10 absent.

Particular convention (November)

19 called, 13 absent – *no business*.

Particular convention (December)

20 called, 10 absent.

1657 particular convention (February)

18 called, 4 absent.

Particular convention (June)

17 called, 7 absent.

Particular convention (July)

24 called, 10 absent.

General convention, Glasgow (October)

22 absent.

Particular convention (December)

22 called, 10 absent.

1658 general convention (July)

16 absent.

1659 particular convention (January)

20 called, 4 absent.

Particular convention (March)

20 called, 9 absent.

Particular convention (July)

26 called, 9 absent.

1660 particular convention (January-February)

40 called, 12 absent.

Particular convention (May-June)

40 called, 15 absent.

General convention (July)

19 absent.

Meeting of commissioners (July)

17 called, 5 absent.

Particular convention (September)

27 called, 12 absent.

Particular convention (November)

21 present.

General convention (December)

15 absent.

1661 Fortrose, Cromarty, Kintore, Inverurie, Wick enrolled – total 63.

1661 general convention (December 1660-July) – *parliament*

4 absent.

Particular convention (September)

16 called, 9 absent – *no acts recorded.*

Particular convention (November)

21 called, 10 absent.

1662 particular convention (January)

17 called, 8 absent.

General convention (February-March)

37 absent.

General convention (May-September) – *parliament*

34 absent.

1663 general convention (June-October) – *parliament*

24 absent.

1664 particular convention (May)

26 called, 11 absent.

General convention (July)

31 absent.

1665 general convention, Aberdeen (July)

43 absent.

Particular convention (August) – *convention of estates*.

23 absent.

1666 general convention (July)

24 absent.

1667 particular convention (December)

25 called, 12 absent.

1668 general convention (March)

31 absent.

Particular convention (August)

24 called, 12 absent.

1669 particular convention (March)

25 called, 15 absent.

General convention (July)

24 absent.

Particular convention (October-November) – *parliament*

10 absent.

1670 Kirkwall, Inverbervie added (65).

1670 general convention (July)

39 absent.

1671 general convention, Dundee (July)

33 absent.

Particular convention (August)

22 called, 7 absent.

Particular convention (October)

27 called, 13 absent.

1672 general convention, no sederunt – parliament**1673 general convention, Perth (July)**

30 absent.

1674 general convention, Stirling (July)

28 absent.

General convention (August)

37 absent.

1675 particular convention (January)

25 called, 8 absent.

General convention, Glasgow (July)

28 absent.

1676, general convention (July)

23 absent.

Particular convention (October)

25 called, 11 absent.

Particular convention (December)

25 called, 9 absent.

1677 general convention (July)

28 absent.

1678 general convention (June-July) – *convention of estates*

15 absent.

1679 general convention (July)

46 absent.

Particular convention (November-December)

25 called, 7 absent.

1680 particular convention (April)

25 called, 6 absent.

General convention (July)

22 absent.

1681 general convention (July-September) – *parliament*

7 absent.

1682 general convention (July)

19 absent.

1683 Stranraer added (66).

1683 general convention (July)

27 absent.

1684 general convention (July)

26 absent.

1685 Cromarty expunged (65).

1685 general convention (April-May) – *parliament*

6 absent.

General convention (July)

37 absent.

1686 particular convention (April)

24 called, 6 absent.

General convention (April-May) – *parliament*

6 absent.

General convention (July)

19 absent.

1687 general convention (July)

24 absent.

1688 general convention (July)

22 absent.

Particular convention (November)

25 called, 11 absent.

Appendix IV: Correlation of Estates and Burghs¹

Table 2: Dates of parliament/conventions of estates and conventions of burghs, with numbers of burghs in the sederunts

	Parliament/Estates			Convention of Royal Burghs		
	Start	End	Burghs	Start	End	Burghs
1661	1 January	12 July	60	28 December	12 July	59
1662	8 May	9 September	38	9 May	3 September	29
1663	18 June	9 October	42	18 June	8 October	39
1665	2 August	4 August	44	28 July	9 August	40
1667	9 January	23 January	48			
1669	19 October	23 December	57	14 October	17 November	53
1670	28 July	22 August	59			
1672	12 June	11 September	59			
1673	12 November	2 August 1674	45			
1678	26 June	11 July	59	20 June	9 July	50
1681	28 July	17 September	59	25 July	19 September	58
1685	23 April	16 June	62	16 April	4 May	59
1686	29 April	15 June	61	27 April	17 May	59

1661: Three burghs in sederunt for parliament but not convention of burghs

(Lochmaben, Inveraray, Wick); two in sederunt for burghs but not parliament

(Anstruther Wester, Kilrenny).

1662: Thirteen burghs in sederunt for parliament but not burghs (Kirkcaldy, Anstruther

Easter, Inverkeithing, Pittenweem, Arbroath, Elgin, Peebles, Whithorn, Kintore,

Sanquhar, New Galloway, Dingwall, Fortrose); four for burghs but not parliament

(Dumfries, Burntisland, Rutherglen, Wick).

Commissioner for Linlithgow at parliament: Andrew Glen; commissioner at burghs:

George Bell. Edinburgh's craft commissioner different at both meetings.

¹ *RPS*, 1661/1/2, 1662/5/2, 1663/6/2, 1665/8/2, 1667/1/2, 1669/10/2, 1670/7/2, 1672/6/2, 1673/11/2, 1678/6/3, 1681/7/2, 1685/4/2, 1686/4/2; *RCRBS*, iii, 531, 558, 562-3, 582, 617; *RCRBS*, iv, 7-8, 24-5, 49, 62.

1663: Eight burghs in sederunt for parliament but not burghs (Anstruther Easter, Selkirk, Lanark, Arbroath, Anstruther Wester, North Berwick, Sanquhar, Dingwall); five for burghs but not parliament (St Andrews, Montrose, Dumfries, Wigtown, Forfar).

Commissioner for Tain at parliament: Andrew Ross; commissioner at burghs: John Forrester.

1665: Eight burghs in sederunt for convention of estates but not burghs (Anstruther Easter, Selkirk, Renfrew, Whithorn, Rutherglen, North Berwick, Kilrenny, Lochmaben); four for burghs but not estates (Breachin, Irvine, Rothesay, Anstruther Wester).

Edinburgh's craft commissioner different at both meetings.

1667: No minutes of a convention of burghs at the time of the convention of estates, but burgh commissioners were sent to both.²

1669: Five burghs in sederunt for parliament but not burghs (Culross, Rothesay, Kintore, Dingwall, Inveraray); one for burghs but not parliament (Dornoch).

Commissioner for Lochmaben at parliament: John Johnston; commissioner at burghs: William Crame.

1670: No convention of burghs during parliament, but the general convention sat between 5 and 13 July; twenty-seven burghs were present.³

² See for example: Angus Archives, M1/1/2, Montrose Council Book, 1639-1673, 207; St Andrews University Archives, B65/11/1, St Andrews Council Minutes, 1656-71, 145-6.

³ *RCRBS*, iii, 621-3.

1672: No sederunt for the convention of burghs which sat during parliament, record of only two days' meetings (13 July, 12 September).⁴

1673: No sederunt for the convention of burghs which sat during parliament.⁵

1678: Nine burghs in sederunt for convention of estates but not burghs (Tain, Culross, Whithorn, Rothesay, Nairn, Lauder, Dingwall, Inveraray, Fortrose).

Commissioner for Lanark at estates: Thomas Stoddart; commissioner at burghs: William Tueddell.

1681: Two burghs in sederunt for parliament but not burghs (Inverkeithing, Forfar); one for burghs but not parliament (Cromarty).⁶

Commissioner for Selkirk at parliament: Andrew Angus; commissioner at burghs: William Scott.⁷

Commissioner for Dunbar at parliament: James Hamilton; commissioner at burghs: James Kellie.

Commissioner for Peebles at parliament: William Williamson; commissioner at burghs: William Plenderleith.

1685: Three burghs in sederunt for parliament but not burghs (Renfrew, Dornoch, Queensferry).⁸

⁴ Ibid., 632-3.

⁵ See particularly: NLS, Yester Papers, MS 7006 ff.64, 66, 68, MS 7034 f.48. See also for example: Dundee City Archives, Dundee Council Book, vol. VI, 1669-1707, f.52v, f.54r; Fife Council Archives, Carleton House, Markinch – B/KDY/1/1/1, Kirkcaldy Burgh Council Minutes 1663-1680, f.120r; NAS, B58/13/2, Peebles Council Minutes Jul 1652-27 Nov 1678, f.90v; Perth & Kinross Archives, B59/16/9, Register of Acts of Perth Town Council, 1671-80, f.40v; St Andrews University Archives, B65/11/2, St Andrews Council Minutes, 1673-1707, 12.

⁶ See chapter 3 – although Cromarty had been allowed by parliament to resign its privileges as a royal burgh, it had not been expunged by the convention and continued to appeal for this.

⁷ The original commissioner was elected for both meetings, but was unqualified: see chapter 5.

1686: Three burghs in sederunt for parliament but not burghs (Dumfries, Renfrew, Queensferry); one for burghs but not parliament (Dysart).

Commissioner for Lochmaben at parliament: John Rule; commissioner at burghs: James Hill.

⁸ The commissioner for Inverkeithing is shown as the laird of Pitliver in *RPS* and John Dempster in *RCRBS*. This is the same person: Young, *Parliaments of Scotland*, 181.

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